## Exhibit 3

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MDL No. 3076 CASE NO. 1:23-md-03076-KMM

IN RE:

#### FTX Cryptocurrency Exchange Collapse MDL Litigation

#### THIS DOCUMENT RELATES TO:

#### **Bank Defendants**

O'Keefe v. Sequoia Capital Operations, LLC, et al., S.D. Fla. Case No. 1:23-cv-20700

O'Keefe v. Farmington State Bank d/b/a Moonstone Bank, et al., E.D. Wa. Case No. 2:23-cv-00213-TOR

#### Multinational VC Defendants

O'Keefe v. Sequoia Capital Operations, LLC, et al., S.D. Fla. Case No. 1:23-cv-20700

O'Keefe v. Temasek Holdings (Private) Ltd., et al., N.D. Cal. Case No. 3:23-cv-3655

Chernyavsky et al. v. Temasek Holdings (Private) Ltd., et al., S.D. Fla. Case No. 1:23-cv-22960

Cabo et al. v. Temasek Holdings (Private) Ltd. et al., N.D. Cal. Case No. 3:23-cv-03974

#### **Promoter Defendants**

Garrison, et al. v. Bankman-Fried, et al., S.D. Fla. Case No. 22-cv-23753

Garrison, et al. v. Kevin Paffrath, et al., S.D. Fla. Case No. 23-cv-21023

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY

Plaintiffs respectfully move the Court to enter an order: (1) lifting the stay of discovery imposed during the pendency of Sam Bankman-Fried's Trial, [ECF Nos. 318, 336]; (2) granting Plaintiffs leave to (a) take brief jurisdictional discovery from the following Defendants, prior to a ruling on Defendants' arguments to dismiss the actions against them for lack of personal jurisdiction or insufficient service of process: Steph Curry, Golden State Warriors LLC ("GSW"), Solomid Corporation ("TSM"), Naomi Osaka, Udonis Haslem, Lawrence Gene David, Andre Jikh, Jeremy LeFebvre, Graham Stephan, Jaspreet Singh, Erika Kullberg, Brian Jung, Creators Agency LLC ("CA"), SoftBank Group Corp., SoftBank Investment Advisers (UK) Limited, SoftBank Global Advisers Limited, Temasek Holdings (Private) Limited, Temasek International USA LLC, Sino Global Capital Holdings LLC, Farmington State Bank d/b/a Moonstone Bank ("Moonstone"), Deltec Bank and Trust Company Limited ("Deltec"), and Jean Chalopin; and (b) to file any amendments to the Administrative Complaints or oppositions to the pending motions within twenty (20) days after completing that brief jurisdictional discovery, so Plaintiffs may incorporate any additional facts that support personal jurisdiction over these Defendants and address arguments raised in all Defendants' motions to dismiss.

#### **BACKGROUND**

Since before this MDL was created, the Promoter Defendants' primary argument was that Florida courts had no jurisdiction over them because neither they nor FTX conducted any substantial business regarding FTX in this state.

<sup>&</sup>lt;sup>1</sup> The "Promoter Defendants," for purposes of this Motion, are defined as Steph Curry, Golden State Warriors LLC ("GSW"), Solomid Corporation ("TSM"), Naomi Osaka, Udonis Haslem, Lawrence Gene David, Andre Jikh, Jeremy LeFebvre, Graham Stephan, Jaspreet Singh, Erika Kullberg, Brian Jung, and CA. The "Bank Defendants," for purposes of this Motion, are Moonstone, Deltec, and Jean Chalopin; the "VC Defendants" are SoftBank Group Corp., SoftBank Investment Advisers (UK) Limited, SoftBank Global Advisers Limited, Temasek Holdings (Private) Limited, Temasek International USA LLC, and Sino Global Capital Holdings LLC.

In *Garrison v. Bankman-Fried*, No. 1:22-cv-23753-KMM ("*Garrison*"), Plaintiffs filed a motion for leave to conduct jurisdictional discovery as to Defendants Curry, David, GSW, and Osaka, <sup>2</sup> and Udonis Haslem, based on the same jurisdictional arguments they raise in their now-pending motion to dismiss. *See Garrison*, ECF No. 163, attached as **Exhibit A**. The Court denied that motion as moot when the Court granted the *Garrison* Plaintiffs leave to amend their complaint, [ECF No. 207] which included, among other materials, the Declaration of Dan Friedberg, where he explained that FTX's Vice President of Business Development, Avi Dabir, "operated from our Miami office, and he was focused on formulating and executing our important FTX celebrity partnerships." [ECF No. 205-1, ¶¶ 20–25].

The *Garrison* Plaintiffs maintained, however, that if "any FTX Defendant decides to renew any arguments, and/or raise additional arguments as to personal jurisdiction directed to that Amended Complaint, even in light of this new jurisdictional information, Plaintiffs respectfully submit that brief jurisdictional discovery (brief depositions and targeted discovery) may be necessary, consistent with the orders on discovery entered by Chief Judge Altonaga, Judge Altman, and Magistrate Judge Reid in the related Voyager Digital class actions pending before this Court." [ECF No. 202].

Also before this MDL, in *Garrison v. Paffrath*, No. 23-21023-CIV-ALTONAGA/Damian ("*Paffrath*"), Defendants Jikh, LeFebvre, Stephan, Singh, Kullberg, Jung, and CA also moved to dismiss on the same jurisdictional grounds they now raise here. After considering the *Paffrath* Parties' Joint Report on Discovery, Chief Judge Altonaga entered an Order, ulling "[t]he Court

<sup>&</sup>lt;sup>2</sup> Defendant Shohei Ohtani as well, though he no longer contests personal jurisdiction here.

<sup>&</sup>lt;sup>3</sup> Paffrath, [ECF No. 93], attached as **Exhibit B**.

<sup>&</sup>lt;sup>4</sup> *Id.*, [ECF No. 96], attached as **Exhibit C**.

finds that jurisdictional discovery is appropriate; additional jurisdictional facts need not be alleged in Plaintiffs' pleading," and granted Plaintiffs leave to conduct jurisdictional discovery—written requests and depositions—against Defendants Jikh, LeFebvre, Stephan, Singh, Kullberg, Jung, and CA. Further, Chief Judge Altonaga stayed any and all briefing on motions to dismiss under Federal Rule of Civil Procedure 12(b)(6) pending completion of jurisdictional discovery and the filing of operative complaints and motions to dismiss for lack of personal jurisdiction and/or to transfer venue. *Id.* 

Once this MDL was consolidated before this Court, however, these same Defendants renewed their claim that Plaintiffs are not entitled to jurisdictional discovery, ignoring that the Court already found these same allegations sufficient to trigger Plaintiffs' "qualified right to jurisdictional discovery." *See Am. Civil Liberties, Union of Fla. v. City of Sarasota*, 859 F.3d 1337, 1341 (11th Cir. 2017).

Shortly after Plaintiffs filed their Consolidated Amended Complaints, The Promoter Defendants, the Bank Defendants, and the Foreign VC Defendants all moved to dismiss the claims against them for lack of personal jurisdiction or for insufficient service of process.

Given that Sam Bankman-Fried's trial was imminent, the Court granted Mr. Bankman-Fried's and the Government's request to stay discovery in these proceedings pending the completion of Mr. Bankman-Fried's criminal trial. [ECF Nos. 318, 336]. The Court ruled, however, that Plaintiffs may seek to lift the stay and renew this request for jurisdictional discovery when Mr. Bankman-Fried's trial was over. [ECF No. 336].

On November 2, 2023, Mr. Bankman-Fried's trial concluded when the jury returned a verdict finding him guilty on all seven counts. Accordingly, Plaintiffs respectfully ask the Court at this stage to lift the stay and to grant Plaintiffs leave to conduct limited jurisdictional discovery, and to afford a very brief period (20 days) following that discovery to file any amendments to the Administrative Complaints or oppositions to the pending motions, especially because Courts routinely allow such amendments to cure pleading deficiencies in service of the general principle that "decisions on the merits are not to be avoided on the basis of 'mere technicalities.'" *Castros v. Signal Fin. Co. LLC*, 1:17-CV-21870-KMM, 2018 WL 1137099, at \*1 (S.D. Fla. Feb. 4, 2018) (Moore, C.J.) (collecting cases).

#### I. <u>LEGAL ARGUMENT</u>

Florida's long-arm statute provides for both general and specific personal jurisdiction. The Court has general personal jurisdiction over a defendant who has been "engaged in substantial and not isolated activity within this state ... whether or not the claim arises from that activity." Fla. Stat. § 48.193(2). Specific jurisdiction exists for claims arising out of certain discrete acts of a defendant that occur in Florida, including "[c]omitting a tortious act within this state." Fla. Stat. § 48.193(1)(a)(2) (2022).

https://www.reuters.com/legal/ftx-founder-sam-bankman-fried-thought-rules-did-not-apply-him-prosecutor-says-2023-11-02/ (accessed November 3, 2023).

Granting Plaintiffs' request would comport with the "policy of the federal rules []to permit liberal amendment to facilitate determination of claims on the merits and to prevent litigation from becoming a technical exercise in the fine points of pleading," particularly where the proposed amendment would not violate any scheduling order in place and there is no "substantial reason" to deny the amendment, which "could include 'undue delay, bad faith or dilatory motive, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party, and futility of the amendment[,]" none of which would apply since Plaintiffs would be providing their first substantive amendment to the complaint after, at a minimum, taking narrow discovery to address the jurisdictional arguments raised by some of the Defendants. *Castros*, 2018 WL 1137099, at \*1 (citations omitted).

In the *Paffrath* complaint, Plaintiffs invoked both general and specific jurisdiction as the basis for personal jurisdiction over each of the FTX Defendants under the long arm statute by alleging:

11. FTX's fraudulent scheme was designed to take advantage of investors from across the globe, including specifically in Florida, who sought out what was represented to be a safe platform to make their investments in the burgeoning cryptocurrency industry. The scheme resulted in FTX investors collectively sustaining billions of dollars in damages.

. . .

33. This Court has personal jurisdiction against Defendants because they conduct substantial and not isolated business in Florida, and/or have otherwise intentionally availed themselves of the Florida consumer market through the promotion, marketing, and sale of FTX's YBAs in Florida — including to Plaintiffs in this case — which constitutes committing a tortious act within the state of Florida. Defendants have also marketed and participated and/or assisted in the sale of FTX's unregistered securities to consumers in Florida. Further, Defendants have engaged in a conspiracy in which some of the co-conspirators—including some who are Defendants in this action—committed overt acts in furtherance of the conspiracy in the State of Florida. This purposeful availment renders the exercise of jurisdiction by this Court over Defendants permissible under traditional notions of fair play and substantial justice.

*Paffrath*, [ECF No. 1, at ¶¶ 11, 33]. Plaintiffs also alleged FTX's domestic US base of operations was Miami, Florida [id., ¶ 63] and was where FTX put the alleged fraudulent plan, involving Defendants, into effect [id., ¶ 43]. Judge Altonaga found these allegations sufficient to allow Plaintiffs to proceed to jurisdictional discovery. Id., ECF No. 96.

In *Garrison*, the Complaint's allegations in support of personal jurisdiction in Florida are reliant on FTX's domestic headquarters being based in Miami (ECF No. 205, ¶¶ 2–3, 7, 9, 23, 31, see also ECF No. 205-1), the defendants' understanding of the overall publicity campaign emanating from Florida (¶¶ 371, 382, 405–407, 414, 427, 434–438, 576–581, 603–611, 623, 651-54), the value of such campaign overall (ECF No. 205 ¶¶ 12, 219, 624–29), their own place in that campaign both in terms of the publicity that their investment in/affiliation with FTX would provide

(¶¶ 6, 13, 219, 232, 365–399, 419–428, 560–567, 582–594, 631–642), participation with others located in Florida on matters relating to the publicity campaign (¶¶ 16, 231, 398, 424), and presence in Florida on related matters (Curry, see ¶¶ 372, 297, 408, and Osaka, see ¶¶ 556, 566–67).

For O'Keefe v. Sequoia Capital Operations, LLC, et al., O'Keefe v. Temasek Holdings (Private) Ltd., et al., Chernyavsky et al. v. Temasek Holdings (Private) Ltd., et al., and Cabo et al. v. Temasek Holdings (Private) Ltd. et al., the allegations in support of PJ in Florida are reliant on FTX's domestic headquarters being based in Florida (ECF No. 182, ¶¶ 9, 45, 121, 290), Defendants' understanding of the overall publicity campaign emanating from Florida (see ECF No. 182, ¶¶ 281-91, 302; ECF No. 182-1), the value of such campaign overall (ECF No. 182, ¶¶ 231, 233, 287–88; ECF No. 182-2, at pp. 2-3, 6), their own place in that campaign both in terms of the publicity that their investment in/affiliation with FTX would provide as well as the fact that their investment moneys were used to further such campaign (ECF No. 182, ¶¶ 304–05, 318, 344–49, 351, 388), participation on the Advisory Board (by Temasek) with others located in Florida and on matters relating to the publicity campaign and LedgerX (also Florida-based) (ECF No. 182, ¶¶ 36, 251, 262, 361–63, 372), and presence in Florida (Sino Global) on related matters (ECF No. 182, ¶¶ 35, 253, 264, 316–18)).

Plaintiffs have already located certain documents demonstrating that jurisdictional discovery would yield jurisdictionally relevant facts—namely, the underlying conspiracy's existence as well as contacts with the relevant jurisdictions.

For example, an email exchange between Paradigm and FTX used as an exhibit in the criminal trial shows that the VCs were indeed inquiring into the relationship between FTX and Alameda, the lack of corporate controls at both companies or groups of companies, the VCs'

awareness of the value of their association with FTX, and that the VCs wanted only to bump FTX's value before getting it on the selling block and cashing out. See GX-320, attached as **Exhibit E**. Plaintiffs have a right to discovery into similar exchanges between FTX and Temasek and/or Sino Global to further prove up the existence of conspiracy jurisdiction.

Other exhibits from Sam Bankman-Fried's criminal trial confirm FTX's involvement in the Liquid Value fund in which Plaintiffs allege Sino Global and FTX were co general partners, which fund Plaintiffs further allege is representative of the quid pro quo arrangement existing between the entities—i.e., FTX's favor to Sino Global in return for Sino Global's agreement to invest in FTX and publicize the same. See GX-14B, an excerpt of which is attached as **Exhibit F**; see also ECF No. 182, ¶ 35 (alleging quid pro quo relationship involving Sino Global, FTX, and Liquid Value fund).

Although Sino Global's Matthew Graham denies any relevant Florida contacts in his declaration in support of the motion to dismiss for lack of personal jurisdiction, see ECF No. 300-1, a publicly available slide deck on the Liquid Value fund mentions that a "Sino Global Capital" team member was based in Miami, Florida. See Liquid Value Slide Deck, attached as **Exhibit G**, at p. 4. Sino Global further represented to regulators that its subsidiary maintained a "principal office and place of business" at 1111 Brickell Avenue, 10th Floor, Miami, Florida 33131 in relation to the Liquid Value fund. See Sino Global Capital Management LLC Form ADV, attached as **Exhibit H**, Sections 1 & 7.A.

Still other trial exhibits include additional details regarding which employees from the venture capitalist defendants were involved with the FTX investment, see GX-26, an excerpt of which is attached as **Exhibit I**; confirm meetings between Temasek employees that served on FTX's advisory board and FTX's SBF and Ramnik Arora that further suggest a blurring of the

lines by Temasek between its numerous subsidiaries, see GX-286, attached as **Exhibit J**; and reveal that a large number of documents exist regarding the FTX advisory board on which Temasek employees sat and which monitored and advised on matters pertaining to the Miami publicity campaign and Miami-based LedgerX, LLC d/b/a FTX US Derivatives, an entity with a longtime base in Miami that likewise formed part of FTX's publicity campaign to appear as the safe, dependable, and legitimate place to trade crypto, see S-2003, attached as **Exhibit K**, at Attachment A-1, at GX-29 ("Advisory\_Board\_Update\_20210818 (1)"), GX-68 ("Advisory Board-comments"); *id.* Attachment A-2, at GX-234 ("Advisory Board Meeting Materials-09/19/2022"), GX-235 ("FTX Advisory Board Meeting 09\_19\_2022.pdf (Attachment To Advisory Board Meeting Materials – 09/19/2022), GX-278 ("RE: Advisory Board Meeting tomorrow").

If the guilty pleas of Caroline Ellison, Nishad Singh, and Gary Wang along with the agreements that we know exist between FTX and these venture capitalists, but which such venture capitalists have kept secret to date, do not alone provide sufficient basis for conspiracy jurisdiction to warrant jurisdictional discovery, then certainly Plaintiffs many detailed allegations combined with the foregoing documents tending to support the same get Plaintiffs across the line.

With respect to Moonstone, Deltec, and Chalopin, certain documents have come to light since Plaintiffs filed their complaint further establishing that such banks' services were key to the success of the conspiracy. For example, the indictment of Ryan Salame speaks to the struggle that FTX faced in locating banks that would provide the services that it needed to thrive—that is, until Deltec and Moonstone stepped in. See Salame Indictment, attached as **Exhibit L**, at ¶5 ("When FTX was founded ... many U.S. banks were reluctant to do business with cryptocurrency companies, and those banks that were willing to open accounts for cryptocurrency companies had

extensive customer due diligence and licensing requirements, with which FTX was not compliant." (emphasis added)).

Others show that Moonstone made certain misrepresentations to regulators in order to obtain the licenses that it needed to enable FTX to move depositors' funds offshore. Specifically, on August 17, 2023, just one week after Plaintiffs filed the Administrative Class Action Complaint, the Federal Reserve announced an enforcement action against Moonstone, because, upon information and belief, at Chalopin's direction, Moonstone did not inform the Federal Reserve, in applying for membership, that Moonstone intended "to pursue a strategy focused on digital banking services or digital assets" (i.e., banking FTX and Alameda), and Moonstone "improperly chang[ed] its business plan" to provide such services (i.e., to FTX and Alameda) without prior notification or approval from the Federal Reserve. See Turner Wright, "Federal Reserve issues enforcement action against FTX-linked US bank," Cointelegraph.com (Aug. 17, 2023), available https://cointelegraph.com/news/federal-reserve-issues-enforcement-action-against-ftx-linkedbank (last accessed Nov. 3, 2023) (summarizing the Federal Reserve's enforcement action and providing a link to the Federal Reserve's cease and desist order arising from same). Moonstone, Deltec, and Chalopin deny that Plaintiffs' allegations prove certain elements of their claims, including arguing that their routine banking services cannot constitute substantial assistance of any kind. Yet, these two documents alone prove the contrary. They likewise render even more plausible Plaintiffs' conspiracy allegations in support of conspiracy jurisdiction over these defendants in Florida.

None of the Defendants deny any of the Complaint's material allegations that FTX marketed its products to investors in, and from Florida through the use of paid celebrity endorsements (many millions of dollars), or that FTX paid Defendants many millions of dollars to

promote FTX's YBA's to millions of investors worldwide, including in Florida. Instead, the Defendants' jurisdictional declarations—exactly like the ones provided by Messrs. Cuban and Ehrlich in the Voyager cases—contain only general assertions regarding where the Defendants live and where they physically negotiated and signed their individual contracts with FTX.

Further, for purposes of specific jurisdiction under Florida's long arm statute, the issue is whether Defendants' tortious acts <u>caused injury</u> in Florida. See Louis Vuitton Malleties, S.A. v. Mosseri, 736 F.3d 1339, 1354 (11th Cir. 2013) ("[W]e conclude that under Florida law where Mosseri created the websites and posted the alleged infringing material does not matter. For purposes of § 48.193(1)(a)(2), the issue is whether Mosseri's tortious acts caused injury in Florida."). Defendants' general denials of contacts with Florida do not address whether these Defendants nevertheless committed a tortious act within Florida by knowingly and purposely promoting FTX's products and services to Florida residents who purchased those products and services based on Defendants' promotional activities, even if conducted outside of Florida. See Licciardo v. Lovelady, 544 F.3d 1280, 1283 (11th Cir. 2008) (holding that, under Florida law, a nonresident defendant commits "a tortious act within [Florida]" when he commits an act outside the state that causes injury within Florida).

The law of this Circuit has long recognized a qualified right to jurisdictional discovery. *See Am. Civil Liberties, Union of Fla.*, 859 F.3d at 1341. The qualified right is afforded when (1) the movant timely moves for jurisdictional discovery and (2) the information the movant seeks, if it exists, would give rise to jurisdiction. *See Posner v. Essex Ins. Co., Ltd.*, 178 F.3d 1209, 1214 n.7 (11th Cir. 1999) (distinguishing cases referring to qualified right of jurisdictional discovery because in *Posner*, plaintiff failed to make discovery requests in the eight months between the time the complaint was filed and the time it was dismissed) (citing *Eaton v. Dorchester Dev., Inc.*, 692

F.2d 727, 729-31 (11th Cir. 1982); Gleneagle Ship Mgmt. Co. v. Leondakos, 602 So.2d 1282, 1284 (Fla. 1992)); see also RMS Titanic, Inc. v. Kingsmen Creatives, Ltd., 579 F. App'x 779, 790 (11th Cir. 2014) ("Our case law suggests that federal courts should order limited jurisdictional discovery where the information plaintiff seeks, if it exists, would give rise to jurisdiction.).

Thus, courts in this circuit routinely permit limited jurisdictional discovery before ruling on a jurisdictional motion to dismiss. See Happy Tax Franchising, LLC v. Hill, Case No. 19-24539-CIV, 2020 WL 13221241, \*1 (S.D. Fla. Jun 24, 2020) (granting leave to conduct jurisdictional discovery prior to deciding motion to dismiss); Kilma v. Carnival Corp., 2008 WL 4559231, at \*1 (S.D. Fla. Oct. 10, 2008) (permitting jurisdictional discovery prior to ruling on a motion to dismiss) (Moore, J.); Sierra Equity Group, Inc. v. White Oak Equity Partners, LLC, 2008 WL. 1771857, \*2 (S.D. Fla. Apr. 15, 2008) ("[J]urisdictional discovery will be useful to determine the actual extent of Defendants' contacts with Florida to determine whether this case can be resolved on its merits. Without factual discovery, the Court would be left to conjecture whether it could exercise jurisdiction over Defendants."); Eaton, 692 F.2d at 729 (holding it was premature to dismiss a claim for lack of jurisdiction where plaintiffs were not given an opportunity to elicit material through discovery to support a determination on jurisdiction); Blanco Lines, 632 F.2d at 657 (reversing a dismissal on jurisdictional grounds because "Plaintiff is not required to rely exclusively upon a defendant's affidavit for resolution of the jurisdictional issue" where the dismissal was entered before Plaintiff had an adequate opportunity to take jurisdictional discovery).

Here, limited jurisdictional discovery – consisting of the requests for production of documents, interrogatories, and a single deposition of each of the thirteen Defendants who are

challenging jurisdiction, *see* **Composite Exhibit D** – may reveal relevant facts, including, among other things:

- 1. Whether Defendants otherwise are engaged in substantial and not isolated activity targeting or taking place in Florida which may subject them to general jurisdiction in Florida;
- 2. Whether other agreements exist between Defendants and FTX under which Defendants agreed to target actions or submit to jurisdiction in Florida;
- 3. Whether Defendants have generated sales or revenue from advertising and marketing in Florida and/or to Florida consumers;
  - 4. Whether Defendants are authorized to do business or conduct business in Florida;
- 5. Whether Defendants operate in the United States or sought financial investments or financing in the United States;
  - 6. Whether Defendants maintain accounts with Florida based financial institutions;
  - 7. Whether Defendants' board of directors or employees reside in Florida;
- 8. Whether there are any other relevant contacts between Defendants and FTX that may be sufficient to establish general or specific jurisdiction under the long-arm statute.
- 9. Whether Defendants contracted to target their advertising or marketing efforts for FTX's services and products to the state of Florida in a manner that may subject them to specific jurisdiction in Florida.

Plaintiffs should have the opportunity to at least conduct jurisdictional discovery before the Court rules on Defendants' jurisdictional arguments. Plaintiffs' request is timely and appropriate considering Defendants' jurisdictional arguments. *See, e.g., Happy Tax Franchising*, 2020 WL 13221241 at \*1 ("The qualified right [to jurisdictional discovery] is afforded when 1)

the movant timely moves for jurisdictional discovery and 2) the information the movant seeks if it exists, would give rise to jurisdiction.").

#### **CONCLUSION**

For all the foregoing reasons, Plaintiffs very respectfully request that the Court grant this Motion and enter an order granting leave for Plaintiffs to: (1) lift the stay of discovery in these proceedings now that Sam Bankman-Fried's trial has concluded; (2) conduct limited jurisdictional discovery in the manner described above within sixty (60) days of the Court's order on this Motion; and (3) to file any amendments to the Administrative Complaints or oppositions to the pending motions within twenty (20) days after completing that brief jurisdictional discovery. Any of the FTX Defendants can still raise any and all specific objections (undue burden, etc.) to the discovery that is served, which the Court can decide.

#### S.D. FLA. L.R. 7.1 CERTIFICATION

Plaintiffs' Counsel certify that they have conferred with Counsel for Defendants Steph Curry, Golden State Warriors LLC, Solomid Corporation, Naomi Osaka, Udonis Haslem, Lawrence Gene David, Andre Jikh, Jeremy LeFebvre, Graham Stephan, Jaspreet Singh, Erika Kullberg, Brian Jung, Creators Agency LLC, Farmington State Bank d/b/a Moonstone Bank, SoftBank Group Corp., SoftBank Investment Advisers (UK) Limited, SoftBank Global Advisers Limited, Temasek Holdings (Private) Limited, Temasek International USA LLC, Sino Global Capital Holdings LLC, Deltec Bank and Trust Company Limited, and Jean Chalopin, in a good faith effort to resolve the issues raised in this Motion, and report that Defendants uniformly oppose the requested relief.

Dated: November 3, 2023. Respectfully submitted,

By: /s/ Adam Moskowitz

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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 3, 2023, a true and correct copy of the foregoing was filed electronically with the Clerk of the Court, by using the CM/ECF system which will send an electronic notification of such filing to all counsel of record.

By: /s/ Adam M. Moskowitz
Adam M. Moskowitz

## Exhibit A

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

EDWIN GARRISON, et al., on behalf of Themselves and all others similarly situated,					
Plaintiffs, v.					
SAM BANKMAN-FRIED, et al.,					
Defendants.					

### PLAINTIFFS' EXPEDITED MOTION FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND TO AMEND THEIR COMPLAINT WITH ANY FACTS ARISING FROM SUCH DISCOVERY

Plaintiffs, pursuant to Local Rule 7.1(d)(2), respectfully move the Court to enter an order granting Plaintiffs leave to: (1) take brief jurisdictional discovery from Defendants, Stephen Curry, Larry David, Golden State Warriors, LLC, Shohei Ohtani, and Naomi Osaka (collectively, "FTX Non-Florida Defendants") prior to a ruling on Defendants' jurisdictional arguments; and (2) to file their first substantive amendment to the Complaint within twenty (20) days after completing that brief jurisdictional discovery, so Plaintiffs' may incorporate any additional facts that support personal jurisdiction over these FTX Non-Florida Defendants and address arguments raised in all Defendants' motions to dismiss.

This is the same, exact reasonable discovery that was opposed by defendants in Undersigned Counsel's related *Voyager Digital* cases, and required to be produced by Chief Judge Altonaga, Judge Altman, and Magistrate Judge Reid, in various Orders based specifically on Eleventh Circuit precedent, in the pending related *Voyager Digital* class actions. *See* Composite Exhibit A. All FTX Defendants continue to argue and reiterate that *none* of these prior Orders by

this Court are in "in any manner" relevant to this inquiry, and cannot even be "considered by this Court," but they are in fact based upon extremely analogous facts. For example, Voyager and Mr. Cuban specifically argued the cases against them should be dismissed for a lack of personal jurisdiction, alleging they had "no connection to Florida." However, the plethora of evidence that was obtained in discovery demonstrated that not only was Florida one of the "main" targets for their promotion of Voyager's unregistered securities, but it was also one of the most targeted states, and thus tens of thousands of Florida residents, in fact, suffered millions in damages from defendants' offer and sale of these unregistered securities. Here, there is no dispute that FTX (unlike Voyager) conducted its activities from its headquarters here in Miami, Florida, and there can be no dispute that these Defendants' activities were certainly not confined to some limited geographic area.

All 18 FTX Defendants have, as of today, now definitively informed Plaintiffs that: (1) they have unilaterally decided not to respond to *any* discovery that Plaintiffs would serve following the initial Scheduling Conference, pending the Court's ruling on their Motions to Dismiss (jurisdictional and/or merits) (while Judge Altman denied a very similar Motion to Stay All Discovery in the related Voyager litigation, *See* Comp. Ex. A); and (2) they request the Court rely upon their newly filed, Sworn FTX Defendant Declarations, where they make new arguments to support an alleged lack of personal jurisdiction (such as they were not just "physically present" in Florida), but will not allow Plaintiffs to test *any* such arguments, as was specifically ordered in the Voyager cases also pending before this Court.

Plaintiffs diligently worked to confer with Defendants on these issues immediately after they filed their motions, but Defendants as a group were only available for a meet and confer on April 24, 2023, and a follow-up today, April 26, 2023, before they made clear this issue required

Court intervention. Plaintiffs' responses to the pending Motions to Dismiss are currently due Monday, May 15, 2023; therefore, absent an expedited ruling before that date, this matter will likely not be fully briefed and decided under the rules until after that current deadline.

#### I. BACKGROUND

This Court has acknowledged that all of these related FTX cases involve a main question of whether FTX's offerings are securities that need to be registered by the SEC. *See Norris, et al. v. Brady, et al.*, No. 1:23-cv-20439-KMM ("*Norris*"), ECF Nos. 43, 45. If the Court decides that question in the affirmative, the only remaining question will be whether these FTX Defendants "aided and abetted" in the offer and sale of such unregistered securities under Florida law.

The FTX Non-Florida Defendants moved on Friday, April 14, 2023, to dismiss the complaint for lack of personal jurisdiction. ECF No. 139. Relying on newly filed declarations of Defendants Stephen Curry, Larry David, and Shohei Ohtani, these FTX Defendants argue that the entire case against them should be dismissed, because this Court lacks specific jurisdiction over them. But the declarations contain only general assertions regarding where the declarants live and where they negotiated and signed their individual contracts. As demonstrated by the FTX Contracts produced in *Norris* by Brady, Ortiz, and O'Leary in support of their opposition to the motion to remand, these contracts are all varied in their requirements, with some requiring FTX Brand Ambassadors to create and publish numerous "social media posts," autograph a certain number of

<sup>&</sup>lt;sup>1</sup> Defendants advance these arguments even in the face of allegations that, for instance, Defendant Osaka *specifically attended matches in Miami wearing her FTX kit as part of the promotional activities for which she was paid by FTX*, [ECF No. 16 ¶ 227], or that Defendant Golden State Warriors promoted the FTX Platform and its unregistered offerings through branding FTX as the "Official Crypto Platform and NFT Marketplace of the **Golden State Warriors**," as a result of FTX being their "first international rights partner," meaning they jointly advertised together on an international basis, and the Golden State Warriors dropped NFTs on the FTX Platform and promoted FTX throughout their G League and eSports teams, also internationally. ECF No. 16 ¶¶ 222–223 (emphasis in original).

items per year, launch NFTs across the country through FTX, conduct virtual meetings and lunches, host FTX charity events, etc.

While Defendants assert that certain information must be filed under seal (and thus Plaintiffs will not be attaching them hereto or providing specifics), the few materials which were provided in the related *Norris* action were also produced in redacted form, some with complete paragraphs redacted (without any table or index to provide context) as well as all of the details regarding their compensation. All of this information was compelled by this Court in the related Voyager cases. *See* Comp. Ex. A. Plaintiffs have requested, but have been denied, any fully unredacted copies of these relevant materials. Further, Defendants attempt to handicap Plaintiffs in their efforts to address these specific questions. For example, Mr. David alludes in his declaration to an "FTX Restricted Stock Purchase Agreement," which he references generally, but refuses to produce in this litigation. *See* ECF No. 139-2, at n.1.

Some of these FTX Contracts specifically require the Defendants to collaborate with the FTX advertising company on these scripts (*i.e.*, such as the fraudulent FTX "I am All In" Campaign), via phone and emails, and preclude these celebrities from promoting any FTX competitors, in any manner. At a minimum, Defendants' declarations (just like those provided in Voyager) inject issues that cannot be resolved by the Court, or adequately addressed by Plaintiffs, absent some limited jurisdictional discovery and supplemental briefing and/or amended pleadings before the Court rules on Defendants' jurisdictional arguments.

Plaintiffs have been attempting for weeks to confer with Defendants on discovery. In response, Defendants have largely either ignored the requests or have indicated that they all need "proposed dates and times a week in advance (at minimum)" before they can schedule any time to

confer with Plaintiffs.<sup>2</sup> After reviewing Defendants' Motions to Dismiss, Plaintiffs requested a meet and confer to discuss discovery in connection with the motions to dismiss. Plaintiffs also sent proposed jurisdictional discovery (requests for production and deposition notices) to Defendants to demonstrate how narrow the discovery sought was and to expedite the meet and confer process. *See* Composite Exhibit B (proposed jurisdictional discovery requests). After two meet and confer sessions, Defendants have now made it clear they will oppose Plaintiffs' request for *any* jurisdictional discovery (no matter how narrow) and instead have sought to stay all discovery. Defendants take this position despite the fact that in two related cases against Voyager Digital and the celebrities alleged to have promoted the offer and sale of unregistered securities, Judge Altonaga, Judge Altman, and Magistrate Judge Reid all granted leave and allowed discovery on personal jurisdiction to proceed based on very similar declarations filed by defendants in support of their motions to dismiss for lack of personal jurisdiction, raising many of the same arguments as Defendants here. *See* Comp. Ex. A.

Notably, Plaintiffs' current Complaint has not gone through any *substantive* amendment, and certainly not one after the filing of a Motion to Dismiss or after any discovery has been produced, in that the amended complaint was filed December 16, 2023, to effect the consolidation of the *Garrison* and *Podalsky* actions in accordance with this Court's Order. Defendant O'Neal, the last of the 18 Defendants was finally personally served April 16, 2023—10 days ago, within the deadline to do so set by this Court. No scheduling conference has yet been held, nor is there a case scheduling order. Indeed, the Court set a deadline of May 8, 2023, for the Parties to file a joint

<sup>&</sup>lt;sup>2</sup> Plaintiffs can provide the correspondence should the Court deem it necessary.

scheduling report after holding a scheduling conference once Defendant O'Neal was finally located and personally served.<sup>3</sup>

In the *Voyager Digital* cases, this Court denied defendants' motion to stay all discovery, in part, because there was no showing, by declaration nor any evidence, that such requested discovery was unduly burdensome. *See* Comp. Ex. A. In fact, all of that discovery was already taken in those cases and is now completed. Certainly, none of these 18 FTX Defendants have made *any* showing of "undue burden," *in fact*, they argue just the opposite, that very little responsive discovery (if any) should exist, conceding there is no burden.

Plaintiffs respectfully ask the Court at this stage for leave to conduct limited jurisdictional discovery, and to afford a very brief period (20 days) following that discovery to allow them to file their first amended complaint with substantive amendments, especially because "Courts routinely allow such amendments to cure pleading deficiencies in service of the general principle that "decisions on the merits are not to be avoided on the basis of 'mere technicalities." *Castros v. Signal Fin. Co. LLC*, 1:17-CV-21870-KMM, 2018 WL 1137099, at \*1 (S.D. Fla. Feb. 4, 2018) (Moore, C.J.) (collecting cases).<sup>4</sup>

<sup>&</sup>lt;sup>3</sup> The Parties have agreed to hold the Joint Conference this Friday, April 28, 2023.

<sup>&</sup>lt;sup>4</sup> Granting Plaintiffs' request would comport with the "policy of the federal rules []to permit liberal amendment to facilitate determination of claims on the merits and to prevent litigation from becoming a technical exercise in the fine points of pleading," particularly where the proposed amendment would not violate any scheduling order in place and there is no "substantial reason" to deny the amendment, which "could include 'undue delay, bad faith or dilatory motive, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party, and futility of the amendment[,]" none of which would apply since Plaintiffs would be providing their first substantive amendment to the complaint after, at a minimum, taking narrow discovery to address the jurisdictional arguments raised by some of the Defendants. *Castros*, 2018 WL 1137099, at \*1 (citations omitted).

#### II. <u>LEGAL ARGUMENT</u>

Florida's long-arm statute provides for both general and specific personal jurisdiction. The Court has general personal jurisdiction over a defendant who has been "engaged in substantial and not isolated activity within this state ... whether or not the claim arises from that activity." Fla. Stat. § 48.193(2). Specific jurisdiction exists for claims arising out of certain discrete acts of a defendant that occur in Florida, including "[c]omitting a tortious act within this state." Fla. Stat. § 48.193(1)(a)(2) (2022).

In their complaint, Plaintiffs have invoked both *general* and *specific* jurisdiction as the basis for personal jurisdiction over each of the FTX Defendants under the long arm statute by alleging:

This Court has personal jurisdiction against Defendants because they conduct substantial and not isolated business in Florida, and/or have otherwise intentionally availed themselves of the Florida consumer market through the promotion, marketing, and sale of FTX's YBAs in Florida, which constitutes committing a tortious act within the state of Florida. Defendants have also marketed and participated and/or assisted in the sale of FTX's unregistered securities to consumers in Florida. Further, Defendants have engaged in a conspiracy in which some of the co-conspirators—including some who are Defendants in this action—committed overt acts in furtherance of the conspiracy in the State of Florida. This purposeful availment renders the exercise of jurisdiction by this Court over Defendants permissible under traditional notions of fair play and substantial justice.

[ECF No. 16, at ¶ 50]. The Complaint also alleges that "FTX organized and emanated its fraudulent plan from its worldwide headquarters located here in Miami, Florida[,]" [ECF No. 16, at ¶ 8], that FTX promoted the sale of unregistered securities in Florida by using celebrity endorsers, including the Defendants, [ECF No. 16, at ¶ 16], and that FTX paid celebrity endorsers millions of dollars to use the positive reputation associated with specific celebrities to convince consumers that FTX was a safe place to buy and sell cryptocurrency. [ECF No. 16, at ¶¶ 193, 194].

None of the Defendants deny any of the Complaint's material allegations that FTX marketed its products to investors in, and from Florida through the use of paid celebrity endorsements (many millions of dollars), or that FTX paid Defendants many millions of dollars to promote FTX's YBA's to millions of investors worldwide, including in Florida. Instead, the Defendants' jurisdictional declarations—exactly like the ones provided by Messrs. Cuban and Ehrlich in the Voyager cases—contain only general assertions regarding where the Defendants live and where they physically negotiated and signed their individual contracts with FTX.

More importantly, none of the FTX Non-Florida Defendants challenging jurisdiction <u>have</u>

<u>even attached copies of their FTX Agreements</u> to which they repeatedly allude in their respective newly sworn declarations.<sup>5</sup>

Further, for purposes of specific jurisdiction under Florida's long arm statute, the issue is whether Defendants' tortious acts <u>caused injury</u> in Florida. See Louis Vuitton Malleties, S.A. v. Mosseri, 736 F.3d 1339, 1354 (11th Cir. 2013) ("[W]e conclude that under Florida law where Mosseri created the websites and posted the alleged infringing material does not matter. For purposes of § 48.193(1)(a)(2), the issue is whether Mosseri's tortious acts caused injury in Florida."). Defendants' general denials of contacts with Florida do not address whether these Defendants nevertheless committed a tortious act within Florida by knowingly and purposely promoting FTX's products and services to Florida residents who purchased those products and services based on Defendants' promotional activities, even if conducted outside of Florida. See Licciardo v. Lovelady, 544 F.3d 1280, 1283 (11th Cir. 2008) (holding that, under Florida law, a

<sup>&</sup>lt;sup>5</sup> Defendant David moved for leave to file under seal one of the two referenced agreements in his Declaration, [ECF No. 146], which motion is pending, but has to date failed to provide a copy of either to Plaintiffs, redacted or otherwise, despite Plaintiffs' agreement to preliminarily treat the agreement as confidential.

nonresident defendant commits "a tortious act within [Florida]" when he commits an act outside the state that causes injury within Florida).

The law of this Circuit has long recognized a qualified right to jurisdictional discovery. *See Am. Civil Liberties, Union of Fla. v. City of Sarasota*, 859 F.3d 1337, 1341 (11th Cir. 2017). The qualified right is afforded when (1) the movant timely moves for jurisdictional discovery and (2) the information the movant seeks, if it exists, would give rise to jurisdiction. *See Posner v. Essex Ins. Co., Ltd.*, 178 F.3d 1209, 1214 n.7 (11th Cir. 1999) (distinguishing cases referring to qualified right of jurisdictional discovery because in *Posner*, plaintiff failed to make discovery requests in the eight months between the time the complaint was filed and the time it was dismissed) (citing *Eaton v. Dorchester Dev., Inc.*, 692 F.2d 727, 729-31 (11th Cir. 1982); *Gleneagle Ship Mgmt. Co. v. Leondakos*, 602 So.2d 1282, 1284 (Fla. 1992)); *see also RMS Titanic, Inc. v. Kingsmen Creatives, Ltd.*, 579 F. App'x 779, 790 (11th Cir. 2014) ("Our case law suggests that federal courts should order limited jurisdictional discovery where the information plaintiff seeks, if it exists, would give rise to jurisdiction.).

Thus, courts in this circuit routinely permit limited jurisdictional discovery before ruling on a jurisdictional motion to dismiss. *See Happy Tax Franchising, LLC v. Hill*, Case No. 19-24539-CIV, 2020 WL 13221241, \*1 (S.D. Fla. Jun 24, 2020) (granting leave to conduct jurisdictional discovery prior to deciding motion to dismiss); *Kilma v. Carnival Corp.*, 2008 WL 4559231, at \*1 (S.D. Fla. Oct. 10, 2008) (permitting jurisdictional discovery prior to ruling on a motion to dismiss) (Moore, J.); *Sierra Equity Group, Inc. v. White Oak Equity Partners, LLC*, 2008 WL. 1771857, \*2 (S.D. Fla. Apr. 15, 2008) ("[J]urisdictional discovery will be useful to determine the actual extent of Defendants' contacts with Florida to determine whether this case can be resolved on its merits. Without factual discovery, the Court would be left to conjecture whether it could exercise

jurisdiction over Defendants."); *Eaton*, 692 F.2d at 729 (holding it was premature to dismiss a claim for lack of jurisdiction where plaintiffs were not given an opportunity to elicit material through discovery to support a determination on jurisdiction); *Blanco Lines*, 632 F.2d at 657 (reversing a dismissal on jurisdictional grounds because "Plaintiff is not required to rely exclusively upon a defendant's affidavit for resolution of the jurisdictional issue" where the dismissal was entered before Plaintiff had an adequate opportunity to take jurisdictional discovery).

Here, limited jurisdictional discovery – consisting of the requests for production of documents and a single deposition of each of the five Defendants who is challenging jurisdiction, *see* Comp. Ex. B – may reveal relevant facts, including, among other things:

- 1. Whether Defendants otherwise are engaged in substantial and not isolated activity targeting Florida which may subject them to general jurisdiction in Florida;
- 2. Whether other agreements exist between Defendants and FTX under which Defendants agreed to target actions or submit to jurisdiction in Florida;
- 3. Whether there are any other relevant contacts between Defendants and FTX that may be sufficient to establish general or specific jurisdiction under the long-arm statute.
- 4. Whether Defendants contracted to target their advertising or marketing efforts for FTX's services and products to the state of Florida in a manner that may subject them to specific jurisdiction in Florida.

Plaintiffs should have the opportunity to at least conduct jurisdictional discovery before the Court rules on Defendants' jurisdictional arguments. Plaintiffs' request is timely and appropriate considering Defendants' jurisdictional arguments. *See, e.g., Happy Tax Franchising*, 2020 WL 13221241 at \*1 ("The qualified right [to jurisdictional discovery] is afforded when 1)

the movant timely moves for jurisdictional discovery and 2) the information the movant seeks if it exists, would give rise to jurisdiction.").

#### III. <u>CONCLUSION</u>

For all the foregoing reasons, Plaintiffs very respectfully request that the Court grant this Expedited Motion and enter an order granting leave for Plaintiffs to: (1) conduct limited jurisdictional discovery in the manner described above within forty-five (45) days of the Court's order on this Motion; and (2) file an amended complaint with any additional facts revealed by such additional discovery that establish personal jurisdiction over the Defendants within 20 days after the close of such jurisdictional discovery. Any of the FTX Defendants can still raise any and all specific objections (undue burden, etc.) to the discovery that is served, which the Court can decide.

#### S.D. FLA. L.R. 7.1 CERTIFICATION

Plaintiffs' Counsel certify that they have conferred with Defendants' Counsel on the earliest dates Defendants' Counsel made available, via Zoom videoconference on April 24, 2023, and again on April 26, 2023, in a good faith effort to resolve the issues raised in this Motion, and report that Defendants oppose the requested relief.

Dated: April 26, 2023 Respectfully submitted,

#### By: /s/ Adam Moskowitz

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Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the forgoing was filed on April 26, 2023, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

By: <u>/s/ Adam M. Moskowitz</u> ADAM M. MOSKOWITZ

# Composite Exhibit A

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

#### CASE NO. 21-24441-CIV-ALTONAGA/Torres

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Plaintiff,

v.

#### VOYAGER DIGITAL LTD., et al.,

Defendants.	
	/

#### **ORDER**

THIS CAUSE came before the Court on Defendants, Voyager Digital Ltd.'s ("Voyager Ltd.") and Voyager Digital, LLC's Expedited Motion to Stay Discovery Pending Resolution of Defendants' Motion to Compel Arbitration and to Dismiss the Complaint [ECF No. 29], filed on February 17, 2022. The Court issued an Order [ECF No. 30] requiring expedited briefing. Plaintiff, Mark Cassidy, filed a Response [ECF No. 33], to which Defendants filed their Reply [ECF No. 34]. For the following reasons, the Motion is denied.

Standard. A district court "has broad discretion to stay discovery pending decision on a dispositive motion." Panola Land Buyers Ass'n v. Shuman, 762 F.2d 1550, 1560 (11th Cir. 1985) (citations omitted). "Motions to stay discovery 'are not favored because when discovery is delayed or prolonged it can create case management problems which impede the Court's responsibility to expedite discovery and cause unnecessary litigation expenses and problems." Randy Rosenberg, D.C., P.A. v. GEICO Gen. Ins. Co., No. 19-cv-61422, 2019 WL 6052408, at \*1 (S.D. Fla. Nov. 15, 2019) (quoting Feldman v. Flood, 176 F.R.D. 651, 652 (M.D. Fla. 1997)). In determining whether to stay discovery, courts must take a "preliminary peek" at a dispositive motion to assess the likelihood that the motion will be granted. McCabe v. Foley, 233 F.R.D. 683, 685 (M.D. Fla. 2006) (quotation marks omitted; quoting Feldman, 176 F.R.D. at 652). Parties seeking to stay

CASE NO. 21-24441-CIV-ALTONAGA/Torres

discovery must make a "specific showing of prejudice or burdensomeness[.]" *Cuhaci v. Kouri Grp., LP*, No. 20-cv-23950, 2021 WL 1945819, at \*2 (S.D. Fla. May 14, 2021) (quotation marks and citation omitted).

*Discussion*. Having taken a "preliminary peek" at Defendants' Motion to Compel Arbitration and to Dismiss the Complaint [ECF No. 28] ("Motion to Compel & Dismiss"), the Court cannot grant the Motion to Stay. Instead, the parties must conduct limited discovery to determine (1) whether the Court has personal jurisdiction over Voyager Ltd.; and (2) whether the arbitration agreement is enforceable. The Court explains.

Motion to Dismiss for Lack of Personal Jurisdiction. Voyager Ltd. seeks to dismiss the Complaint [ECF No. 1] for lack of personal jurisdiction. (*See* Mot. to Compel & Dismiss 23). Voyager Ltd. maintains that Plaintiff has "failed to make a prima facie showing of personal jurisdiction" over it. (Reply 7; *see* Mot. to Compel & Dismiss 23). To establish personal jurisdiction over a nonresident defendant, a plaintiff "initially need only allege sufficient facts to make out a prima facie case of jurisdiction." *Posner v. Essex Ins. Co., Ltd.*, 178 F.3d 1209, 1214 (11th Cir. 1999) (citation omitted). Courts must accept the facts alleged as true, to the extent they are undisputed. *See id.* at 1214–15. A genuine dispute of material jurisdictional fact warrants jurisdictional discovery. *See Aviation One of Fla., Inc. v. Airborne Ins. Consultants (PTY), Ltd*, 722 F. App'x 870, 878 (11th Cir. 2018).

Voyager Ltd. disputes that it purposefully "avail[ed itself] of the Florida consumer market through the promotion, marketing, sale, and service of [its] Voyager Platform in Florida." (Compl. ¶ 15 (alterations added); *see* Mot. to Compel & Dismiss 23). Voyager Ltd. describes itself as a

<sup>&</sup>lt;sup>1</sup> The Court uses the pagination generated by the electronic CM/ECF database, which appears in the headers of all court filings.

CASE NO. 21-24441-CIV-ALTONAGA/Torres

mere "holding company" that does not conduct business in Florida. (Reply 7 (citations omitted); see also Mot. to Compel & Dismiss 24).

But Voyager Ltd.'s own statements contradict its position and bolster Plaintiff's allegations that it provides services in Florida. In Voyager Ltd.'s March 2021 earnings call, one of its representatives stated, "We're at 49 states today. We offer our services in 49 states. It's only New York that we're not — we don't offer this service." (Compl., Ex. G, March 3, 2021 Earnings Call [ECF No. 1-8] 17; *see id.* 2 ("[W]elcome to Voyager Digital Limited earnings call." (alteration added)). It is possible that the representative meant to reference Voyager Digital, LLC, when he used "we," but this ambiguity only accentuates the need for jurisdictional discovery.

Although the Court is only conducting a "preliminary peek at the merits," *McCabe*, 233 F.R.D. at 685 (citation and quotation marks omitted), other courts have concluded that similar evidence of business activity within a jurisdiction is sufficient to satisfy a plaintiff's initial burden of alleging personal jurisdiction. *See*, *e.g.*, *Sculptchair*, *Inc. v. Century Arts*, *Ltd.*, 94 F.3d 623, 628, 632 (11th Cir. 1996) (affirming finding of personal jurisdiction over nonresident defendant where her "sporadic" business activities occurred in Florida); *Kinney v. Mindsize*, *LLC*, No. 20-62094-Civ, 2021 WL 3911859, at \*4–5 (S.D. Fla. June 7, 2021) (concluding that unrebutted allegations of business activity in a state "establish at least a prima facie basis for exercising personal jurisdiction" (italics omitted)). Given the Complaint's allegations and Voyager Ltd.'s own statement that it operates in 49 states, including Florida, the possibility of dismissal "is not apparent enough after a 'preliminary peek' to warrant an across-the-board stay of discovery[.]" *Cabrera v. Progressive Behav. Sci., Inc.*, 331 F.R.D. 185, 187 (S.D. Fla. 2019) (alteration added).

While Plaintiff has satisfied his prima facie showing at this juncture, Voyager Ltd. has produced a declaration that conflicts with Plaintiff's allegations and evidence. (*See* Mot. to Compel & Dismiss, Ex. A., Casey Decl. [ECF No. 28-1] 3 ("Voyager Ltd[.] is a foreign holding

CASE NO. 21-24441-CIV-ALTONAGA/Torres

company parent of Voyager [Digital] LLC with no operations or employees. Voyager Ltd[.] does not operate or market the Voyager Platform." (alterations added))). Even though factual conflicts merit jurisdictional discovery, *see Aviation One of Fla.*, 722 F. App'x at 878, Voyager Ltd. opposes discovery because "Plaintiff has not moved the Court for jurisdictional discovery or for an extension of time to respond to the Motion to Compel" (Reply 6).<sup>2</sup>

Courts may occasionally deny informal requests for jurisdictional discovery, *see Hinkle v. Cirrus Design Corp.*, 775 F. App'x 545, 550 (11th Cir. 2019), but they also "have the power to order the discovery of facts necessary to determine their jurisdiction over the merits[,]" *Aviation One of Fla.*, 722 F. App'x at 878 (alteration added; citation omitted). The Court opts to exercise its authority to order jurisdictional discovery to resolve the disputed facts surrounding personal jurisdiction rather than waste time awaiting further briefing.

Nevertheless, if Plaintiffs' jurisdictional discovery requests are too far-reaching, and conferral is unsuccessful at resolving any disagreement, Defendants may address that matter with Magistrate Judge Torres.

Motion to Compel Arbitration. Defendants also argue that (1) permitting discovery prejudices Defendants because it risks a conclusion that they waived their right to arbitrate (*see* Mot. 4); (2) the Federal Arbitration Act ("FAA") requires the Court stay discovery until arbitration is conducted (*see id.* 4–5); and (3) failure to grant a stay will waste the parties' resources (*see id.* 5–6). These arguments do not persuade.

First, Defendants can rest assured knowing that their participation in court-ordered discovery will not waive their right to arbitrate. It may be true that "substantially participat[ing]

<sup>&</sup>lt;sup>2</sup> Voyager Ltd. also argues that the Court should deny Plaintiff's "informal requests for" jurisdictional discovery because Plaintiff omitted any jurisdictional inquiries in his first wave of requests. (Reply 6). Nonsense. Plaintiff served discovery *before* Voyager Ltd. moved to dismiss for lack of personal jurisdiction. (*See* Resp. 6). Plaintiff's failure to predict Voyager Ltd.'s position does not require that he forgo jurisdictional discovery.

CASE NO. 21-24441-CIV-ALTONAGA/Torres

in litigation" could reach "a point inconsistent with an intent to arbitrate." *Citibank, N.A. v. Stok & Assocs., P.A.*, 387 F. App'x 921, 924 (11th Cir. 2010) (alteration added; citation and quotation marks omitted). But no waiver occurs when a party invokes its right to arbitrate, and the court orders it to engage in discovery. *See, e.g., Burch v. P.J. Cheese, Inc.*, 861 F.3d 1338, 1351–52 (11th Cir. 2017) ("To conclude that [defendant] acted inconsistently with its right to arbitrate, we would have to conclude that [defendant] should have disobeyed the District Court's order. We decline to adopt such a position." (alterations added)).

Second, Defendants are correct that the FAA requires courts to stay "any issue referable to arbitration under an agreement[,]" but courts must first be "satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement[.]" 9 U.S.C. § 3 (alterations added). It is not immediately apparent, even after a "preliminary peek at the merits" of the Motion to Compel, that the arbitration agreement is enforceable. *McCabe*, 233 F.R.D. at 685 (citation and quotation marks omitted).

To begin, assessing the merits proves difficult because it is unclear whether Florida or New Jersey law applies. (*See* Mot. to Compel & Dismiss 18–21; Resp. 13). Regardless, courts in both jurisdictions have chosen not to immediately enforce arbitration agreements that bear at least some resemblance to the arbitration agreement at issue here. *See Doe v. Natt*, 299 So. 3d 599, 600–02 (Fla. 2d DCA 2020); *Morgan v. Sanford Brown Inst.*, 137 A.3d 1168, 1182 (N.J. 2016).

Moreover, compelling arbitration could depend on which version, if any, of the arbitration provisions Plaintiff assented to. For example, even if a January 2021 arbitration provision is unenforceable (*see* Resp. 14), then Plaintiff could still be subject to an amended, later, valid arbitration agreement. Until the parties have an opportunity to evaluate different iterations of the arbitration agreement and fully brief their enforceability, the Court cannot definitively state that

Defendants' chance of success is "apparent enough" to merit a discovery stay. *Cabrera*, 331 F.R.D. at 187.

Third, Defendants maintain that permitting discovery will waste the parties' and Court's resources. (*See* Mot. 5). Not only does this argument rely on a premature assumption that Plaintiff has "an invalid claim" (*id.* 6 (quotation marks omitted; quoting *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1368 (11th Cir. 1997)), but Defendants point only to cherry-picked exhibits purportedly demonstrating that discovery would be a waste (*see* Mot. 6 (citing Mot. to Compel & Dismiss, Exs. A–F [ECF No. 28-1])). The Court cannot take Defendants' word without giving Plaintiff a chance to investigate the evidence. Plaintiff will therefore have an opportunity to take discovery and assess the validity of the arbitration clause. *See Envision Ins. Co. v. GrayRobinson*, *P.A.*, No. 8:13-cv-114, 2013 WL 12388601, at \*3 (M.D. Fla. Aug. 19, 2013) (denying a motion to stay discovery pending a motion to compel arbitration where the arbitration clause's validity was at issue).

Accordingly, it is

#### **ORDERED AND AJUDGED** as follows:

- Defendants, Voyager Digital Ltd. and Voyager Digital, LLC's Expedited Motion to Stay
   Discovery Pending Resolution of Defendants' Motion to Compel Arbitration and to
   Dismiss the Complaint [ECF No. 29] is DENIED without prejudice.
- Plaintiff shall propound written jurisdictional and arbitration-related discovery requests by
   March 7, 2022.<sup>3</sup>
- 3. Defendants shall serve objections to written jurisdictional arbitration-related discovery requests following proper conferral with Plaintiff by **March 17, 2022**. Should any

<sup>&</sup>lt;sup>3</sup> Defendants may similarly engage in discovery if they wish; the Court will not address deadlines for such discovery as this is not an issue in the parties' briefing.

CASE NO. 21-24441-CIV-ALTONAGA/Torres

objections be served, Plaintiff shall contact Magistrate Judge Edwin G. Torres's chambers

by March 21, 2022 to arrange a date for a discovery hearing.

4. Defendants shall respond to written jurisdictional discovery requests by **March 24, 2022**.

5. The parties shall complete jurisdictional discovery, including depositions, by **April 14**,

2022.

6. Plaintiff has until **April 14, 2022** to file his first amended complaint or file a notice stating

that he intends to proceed with the Complaint [ECF No. 1].

7. Defendants have until **April 16, 2022** to file a notice indicating they will not be challenging

personal jurisdiction or seeking to compel arbitration, or until **April 24, 2022** to renew their

motion to compel arbitration and dismiss for lack of personal jurisdiction. The response

and reply memoranda are due within the times permitted by the Rules. No extensions of

time will be given.

8. The deadlines set forth in the Court's Scheduling Order [ECF No. 20] are SET ASIDE.

Once the matters of personal jurisdiction and arbitration are resolved, the parties will be

instructed by separate order to submit an amended joint scheduling report.

9. All pending motions are **DENIED** as premature.

**DONE AND ORDERED** in Miami, Florida, this 3rd day of March, 2022.

CECILIA M. ALTONAGA

CHIEF UNITED STATES DISTRICT JUDGE

Ocilia W. alxnapa

cc: counsel of record

From: <a href="mailto:cmecfautosender@flsd.uscourts.gov">cmecfautosender@flsd.uscourts.gov</a>
To: flsd cmecf\_notice@flsd.uscourts.gov

Subject: Activity in Case 1:22-cv-22538-RKA Robertson et al v. Cuban et al Order on Motion to Certify Class

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#### **U.S. District Court**

#### Southern District of Florida

#### **Notice of Electronic Filing**

The following transaction was entered on 11/18/2022 at 4:31 PM EST and filed on 11/18/2022

Case Name: Robertson et al v. Cuban et al

**Case Number:** <u>1:22-cv-22538-RKA</u>

Filer:

WARNING: CASE CLOSED on 08/31/2022 **Document Number:** 45(No document attached)

#### **Docket Text:**

PAPERLESS ORDER denying without prejudice [40] the Plaintiffs' Motion for Class Certification. The Plaintiffs may refile their motion after we rule on the pending Motion to Dismiss [ECF No. 41]. We also DENY as moot [43] the Defendants' Motion for Extension of Time since we've denied the Plaintiffs' Motion for Class Certification.

Finally, we deny [42] the Defendants' Motion to Stay and for a Protective Order. "Motions to stay discovery are not favored because when discovery is delayed or prolonged it can create case management problems which impede the Court's responsibility to expedite discovery and cause unnecessary litigation expenses and problems." *Cuhaci v. Kouri Grp., LP*, 2021 WL 1945819, at \*2 (S.D. Fla. May 14, 2021) (cleaned up). "[D]iscovery stay motions are generally denied except where a specific showing of prejudice or burdensomeness is made." *Montoya v. PNC Bank, N.A.*, 2014 WL 2807617, at \*2 (S.D. Fla. June 20, 2014). The party moving for a stay of discovery "bears the burden of showing good cause and reasonableness." *Feldman v. Flood*, 176 F.R.D. 651, 652 (M.D. Fla. 1997). Similarly, the Court's scheduling orders may be modified "only for good cause." Fed. R. Civ. P. 16(b)(4).

Here, the Defendants have failed to establish that staying discovery is

warranted. The Defendants' sole justification for requesting a stay is that their pending motion to dismiss might eliminate the need for discovery. But that could be said about nearly all motions to dismiss -- and so, the Defendants have done nothing to establish a "specific showing of prejudice or burdensomeness." They have not, for example, pointed to extraordinary costs or to a long-awaited ruling on a dispositive motion or to a particularly dubious complaint. In fact, taking "a preliminary peek" at the merits of the motion to dismiss, the motion is not "clearly" meritorious. *Feldman*, 176 F.R.D. at 652-53. For these reasons, the Defendants have not established that a stay would be reasonable or that there is good cause for the request in this case.

And, to the extent the Defendants' Motion seeks a protective order, we'll DENY that, too, because the Defendants haven't told us what they seek protection from or what that protective order might look like. Signed by Judge Roy K. Altman on 11/18/2022. (js07)

#### 1:22-cv-22538-RKA Notice has been electronically mailed to:

Adam M. Moskowitz adam@moskowitz-law.com, dione@moskowitz-law.com, rejane@moskowitz-law.com, service@moskowitz-law.com

Alexandra Lyn Tifford atifford@fowler-white.com, aherazo@ecf.courtdrive.com, aherazo@fowler-white.com, atifford@ecf.courtdrive.com, CAfilings@fowler-white.com, mramirez@ecf.courtdrive.com

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Stephen A. Best sbest@brownrudnick.com

Stephen N. Zack szack@bsfllp.com, Cwashenko@BSFLLP.com

1:22-cv-22538-RKA Notice has not been delivered electronically to those listed below and

will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2260.:

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-cv-22538-ALTMAN/REID

PIERCE ROBERTSON, et al.,	
Plaintiffs,	
v.	
MARK CUBAN, et al.,	
Defendants.	/

#### ORDER FOLLOWING HEARING

This cause comes before the Court following a discovery hearing conducted on January 6, 2023. [ECF No. 76]. At the hearing the parties discussed the following issues: (1) Defendants' request to bifurcate deposition discovery; (2) Defendants' responses to Plaintiff's initial discovery requests; (3) the date for Defendant Mark Cuban's deposition; (4) whether Mr. Cuban's deposition will be limited to jurisdictional issues; (5) the date Defendant Dallas Mavericks ("Mavericks") must produce employees Ryan Mackey and Kyle Tapply to be deposed; (6) scheduling the inperson depositions of three Florida-based Plaintiffs, Pierce Robertson, Rachel Gold, and Sanford Gold, as well as non-party Eric Rares (Rachel Gold's husband); and (7) Plaintiffs' responses to Defendants' First Omnibus Request for Production.

Having heard from the parties, in accordance with the ruling from the bench, and for the reasons stated on the record, it is **ORDERED AND ADJUDGED** as follows:

- 1. Defendants' request to bifurcate discovery allowing Plaintiffs to initially depose witnesses regarding solely jurisdictional issues is denied'
- 2. Mark Cuban's deposition, scheduled to take place in Dallas, Texas, on February 2, 2023, will be taken in full and will *not* be limited to jurisdictional issues;

- 3. The three Florida-based Plaintiffs shall appear for *in-person* depositions as follows:
  - a. Pierce Robertson may be deposed in Chicago, Illinois during the week of January 9, 2023;
  - b. Rachel Gold shall be deposed in her Coral Springs, Florida home on January 23, 2023;
  - c. Sanford Gold shall be deposed in Miami, Florida, on either January 23 or 24, 2023;
  - d. Non-party Eric Rares shall be deposed in Miami, Florida on either January 23 or 24, 2023;
- 4. Plaintiffs shall produce outstanding discovery requested in Defendants' First Omnibus Request for Production. Specifically, Plaintiffs must produce outstanding discovery relating to Plaintiffs' Voyager accounts and trading and financial information related to those Voyager accounts by the close of business January 13, 2023. With respect to the request for "documents relating to any investment accounts with any brokerage firm, person or entity," at this juncture, Plaintiffs have not established the relevancy of those documents; and
- 5. Defendants shall produce Mavericks employees Ryan Mackey and Kyle Tapply to be deposed prior to February 23, 2023. Defendants shall prioritize and produce all discovery to Plaintiffs as to these two individuals by the end of January 2023.

**DONE AND ORDERED** in Chambers at Miami, Florida this 6th day of January 2023.

LISETTE M. REID

UNITED STATES MAGISTRATE JUDGE

cc: U.S. District Court Judge Roy K. Altman; and

**All Counsel of Record** 

# Composite Exhibit B

# PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO DEFENDANT GOLDEN STATE WARRIORS LLC

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

ν.

#### SAM BANKMAN-FRIED, et al.,

Defendants.	
	/

#### PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO <u>DEFENDANT GOLDEN STATE WARRIORS LLC</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Golden State

Warriors LLC ("GSW"), produce the documents requested in response to these three requests.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

**BOIES SCHILLER FLEXNER LLP** 

333 Main Street Armonk, NY 10504

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Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

Phone: (914) 749–8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800

Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "GSW," "You," or "Your" means Defendant Golden State Warriors LLC and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 2 "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 4. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 5. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 6. "FTX Platform" refers to the FTX Entities' mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

addresses provided in the signature blocks of the attorneys serving these requests.

- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

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Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### THREE REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including but not limited to contracts or agreements, regarding Your "First-Of-Its-Kind" International Partnership with the FTX Entities.

  See <a href="https://www.nba.com/warriors/warriors-ftx-partnership-20211214">https://www.nba.com/warriors/warriors-ftx-partnership-20211214</a> (accessed April 21, 2023).
- 2. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida fans, and Florida's FTX consumers, including but not limited to (1) any advertising for the FTX Platform or FTX Entities located in the Chase Center that was broadcast in or viewable by Florida investors and GSW fans residing in Florida during GSW games (including GSW home games where GSW played either the Miami Heat or Orlando Magic); (2) any advertising for the FTX Platform or FTX Entities located in the Warriors Gaming Squad court during NBA 2K League games; and (3) any NFTs that GSW offered for sale on the FTX Platform.
- 3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

# PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO DEFENDANT LAWRENCE GENE DAVID

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

themselves and all others similarly situated,		
Plaintiffs,		
v.		
SAM BANKMAN-FRIED, et al.,		
Defendants.		

# PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO DEFENDANT LAWRENCE GENE DAVID

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Lawrence Gene

David ("David"), produce the documents requested in response to these three requests.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

**BOIES SCHILLER FLEXNER LLP** 

333 Main Street Armonk, NY 10504

Phone: (914) 749–8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800 Miami, FL 33131

Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz

ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "David," "You," or "Your" means Defendant Lawrence Gene David and any of his affiliates, representatives, or agents.
- 2 "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 4. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 5. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 6. "FTX Platform" refers to the FTX Entities' mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys,

charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.

- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### **THREE REQUESTS FOR PRODUCTION**

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You conducted with the FTX Entities.
- 2. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida fans, and Florida's FTX consumers, including but not limited to the "Don't Miss Out on Crypto" 2022 Super Bowl advertisement. *See* <a href="https://youtu.be/hWMnbJJpeZc">https://youtu.be/hWMnbJJpeZc</a> (accessed April 21, 2023).
- 3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

# PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO DEFENDANT NAOMI OSAKA

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , <i>et al.</i> , on behalf of themselves and all others similarly situated,		
Plaintiffs,		
v.		
SAM BANKMAN-FRIED, et al.,		
Defendants.		

#### PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO <u>DEFENDANT NAOMI OSAKA</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Naomi Osaka

("Osaka"), produce the documents requested in response to these three requests.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

**BOIES SCHILLER FLEXNER LLP** 

333 Main Street Armonk, NY 10504

Phone: (914) 749–8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800 Miami, FL 33131

Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Osaka," "You," or "Your" means Defendant Naomi Osaka and any of her affiliates, representatives, or agents.
- 2 "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 4. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 5. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 6. "FTX Platform" refers to the FTX Entities' mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys,

charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.

- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - the name of each person who ordered, authorized, and carried out the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### THREE REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding Your Global Partnership with the FTX Entities. *See* <a href="https://www.prnewswire.com/news-releases/naomi-osaka-world-renowned-tennis-player-and-activist-becomes-global-ambassador-and-shareholder-of-ftx-with-long-term-partnership-to-increase-access-and-opportunity-for-women-in-crypto-301506633.html">https://www.prnewswire.com/news-releases/naomi-osaka-world-renowned-tennis-player-and-activist-becomes-global-ambassador-and-shareholder-of-ftx-with-long-term-partnership-to-increase-access-and-opportunity-for-women-in-crypto-301506633.html</a> (accessed April 21, 2023).
- 2. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida fans, and Florida's FTX consumers, including but not limited to, (1) through wearing the FTX logo on the kit Defendant wore at tournaments, including the 2022 Miami Open, and (2) through any and all content you directed, created, produced, or participated in in association with the FTX Entities designed to promote the FTX advertisement Platform, FTT. and/or YBAs, such the viewable here: as https://youtu.be/pkuf8avR50k (accessed April 21, 2023).
- 3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

# PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO DEFENDANT SHOHEI OHTANI

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , <i>et al.</i> , on behalf of themselves and all others similarly situated,
Plaintiffs,
v.
SAM BANKMAN-FRIED, et al.,
Defendants.

# PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO DEFENDANT SHOHEI OHTANI

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Shohei Ohtani

("Ohtani"), produce the documents requested in response to these three requests.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

#### THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

**BOIES SCHILLER FLEXNER LLP** 

333 Main Street Armonk, NY 10504

Phone: (914) 749–8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800 Miami, FL 33131

Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz

ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Ohtani," "You," or "Your" means Defendant Shohei Ohtani and any of his affiliates, representatives, or agents.
- 2 "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 4. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 5. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 6. "FTX Platform" refers to the FTX Entities' mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys,

charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.

- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### THREE REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding Your Global Partnership with the FTX Entities. *See* <a href="https://www.prnewswire.com/news-releases/mlb-superstar-shohei-ohtani-joins-ftx-as-global-ambassador-through-long-term-partnership-301425911.html">https://www.prnewswire.com/news-releases/mlb-superstar-shohei-ohtani-joins-ftx-as-global-ambassador-through-long-term-partnership-301425911.html</a> (accessed April 21, 2023).
- 2. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida fans, and Florida's FTX consumers, including but not limited to the "Shohei Does it All" advertising campaign. *See* <a href="https://www.youtube.com/watch?v=Is72XSKuUqA">https://www.youtube.com/watch?v=Is72XSKuUqA</a> (accessed April 21, 2023).
- 3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

# PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO DEFENDANT STEPHEN CURRY

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , <i>et al.</i> , on behalf of themselves and all others similarly situated,
Plaintiffs,
v.
SAM BANKMAN-FRIED, et al.,
Defendants.

#### PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO <u>DEFENDANT STEPHEN CURRY</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Stephen Curry

("Curry"), produce the documents requested in response to these three requests.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 ioseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

**BOIES SCHILLER FLEXNER LLP** 

333 Main Street Armonk, NY 10504

Phone: (914) 749–8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800

Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Curry," "You," or "Your" means Defendant Stephen Curry and any of his affiliates, representatives, or agents.
- 2 "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 4. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 5. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 6. "FTX Platform" refers to the FTX Entities' mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys,

charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.

- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - the name of each person who ordered, authorized, and carried out the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### THREE REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding Your Global Partnership with the FTX Entities. *See* <a href="https://www.prnewswire.com/news-releases/nba-superstar-stephen-curry-becomes-global-ambassador-and-shareholder-of-leading-cryptocurrency-exchange-ftx-through-long-term-partnership-301370497.html">https://www.prnewswire.com/news-releases/nba-superstar-stephen-curry-becomes-global-ambassador-and-shareholder-of-leading-cryptocurrency-exchange-ftx-through-long-term-partnership-301370497.html</a> (accessed April 21, 2023).
- 2. All Documents and Communications, including but not limited to Contracts or Agreements and any negotiations, that shows, evidences and/or relates to Defendant "targeting" Defendant's Florida fans, and Florida's FTX consumers, including but not limited to, through any NFTs You offered for sale on the FTX Platform, or through the extremely well-marketed the "#notanexpert" campaign and Your statements made in that campaign, including "I'm not an expert, *and I don't need to be*. With FTX I have everything I need to buy, sell, and trade crypto <u>safely.</u>" See <a href="https://www.youtube.com/watch?v=gsy2N-XI040">https://www.youtube.com/watch?v=gsy2N-XI040</a> (accessed April 21, 2023); see also <a href="https://www.prnewswire.com/news-releases/stephen-curry-drops-surprise-nft-for-charity-to-commemorate-breaking-all-time-nba-three-point-record-301447687.html">https://www.prnewswire.com/news-releases/stephen-curry-drops-surprise-nft-for-charity-to-commemorate-breaking-all-time-nba-three-point-record-301447687.html</a> (accessed April 21, 2023).
- 3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

NOTICES OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANTS GOLDEN STATE WARRIORS LLC'S RULE 30(b)(6) REPRESENTATIVE(S), LAWRENCE GENE DAVID, NAOMI OSAKA, SHOHEI OHTANI, AND STEPHEN CURRY

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , et al., on behalf of
themselves and all others similarly situated

Plaintiffs,

ν.

#### SAM BANKMAN-FRIED, et al.,

Defendants.	
	/

## NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT GOLDEN STATE WARRIORS LLC'S RULE 30(b)(6) REPRESENTATIVE(S)

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Golden State Warriors LLC, (the "GSW"), by and

through GSW' corporate representative(s) with knowledge of the four topics listed in **Exhibit A**, pursuant to Federal

Rule of Civil Procedure 30(b)(6).

**DATE**: May 8, 2023

**TIME**: 10:00 AM (PDT) // 1:00 PM (EDT)

**LOCATION**: Boies, Schiller Flexner, LLP

725 S Figueroa Street, 31st Floor

Los Angeles, CA 90017 Phone (213) 629–9040

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of California. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendant Golden State Warriors LLC (the "GSW") shall both designate one or more officers, directors, managing agents, or other persons to testify on its behalf on each topic listed on **Exhibit A** attached hereto.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

#### By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

#### **BOIES SCHILLER FLEXNER LLP**

333 Main Street Armonk, NY 10504 Phone: (914) 749–8200 dboies@bsfllp.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on April 21, 2023, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

By: /s/ Adam M. Moskowitz ADAM M. MOSKOWITZ

#### **EXHIBIT A**

#### I. <u>DEFINITIONS AND INSTRUCTIONS</u>

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "GSW," "You," or "Your" means Defendant, Golden State Warriors LLC, any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 2 "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 4. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 5. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 6. "FTX Platform" refers to the FTX Entities' mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes,

agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 9. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 10. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 11. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- 12. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

#### II. FOUR DEPOSITION SUBJECTS

Pursuant to Rule 30(b)(6), the GSW shall designate and produce for deposition one or more of its officers, directors, managing agents, or other persons who are knowledgeable about and consent to testify on its behalf concerning the following subject matters:

- 1. All Documents and responses provided in response to Plaintiffs' request for production, each dated and served on April 21, 2023.
- 2. All contracts or agreements and circumstances regarding Your "First-Of-Its-Kind" International Partnership with the FTX Entities. *See* <a href="https://www.nba.com/warriors/warriors-ftx-partnership-20211214">https://www.nba.com/warriors/warriors-ftx-partnership-20211214</a> (accessed April 21, 2023).
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida fans, and Florida's FTX consumers, including but not limited to (1) any advertising for the FTX Platform or FTX Entities located in the Chase Center that was broadcast in or viewable by Florida investors and GSW fans residing in Florida during GSW games (including GSW home games where GSW played either the Miami Heat or Orlando Magic); (2) any advertising for the FTX Platform or FTX Entities located in the Warriors Gaming Squad court during NBA 2K League games; and (3) any NFTs that GSW offered for sale on the FTX Platform.
- 4. All research or due diligence YOU and/or the NBA performed about the FTX Entities, the FTX Platform, or whether YBAs or FTT constitute a security under any federal or state law.

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , et al., on behalf of
themselves and all others similarly situated

Plaintiffs,

ν.

SAM BANKMAN-FRIED, et al.,

Defendants.	
	/

## NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT LAWRENCE GENE DAVID

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Lawrence Gene David

**DATE**: May 11, 2023

**TIME**: 10:00 AM (PDT) // 1:00 PM (EDT)

**LOCATION**: Boies, Schiller Flexner, LLP

725 S Figueroa Street, 31st Floor

Los Angeles, CA 90017 Phone (213) 629–9040

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of California. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

#### By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

#### **BOIES SCHILLER FLEXNER LLP**

333 Main Street Armonk, NY 10504 Phone: (914) 749–8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on April 21, 2023, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

By: <u>/s/ Adam M. Moskowitz</u> ADAM M. MOSKOWITZ

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

EDWIN G	ARRIS	ON, et	<i>al</i> ., on t	behalf of
themselves	and all	others s	similarly	y situated,

Plaintiffs,

ν.

SAM BANKMAN-FRIED, et al.,

Dejenaants.		

## NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT NAOMI OSAKA

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Naomi Osaka

**DATE**: May 10, 2023

**TIME**: 10:00 AM (PDT) // 1:00 PM (EDT)

**LOCATION**: Boies, Schiller Flexner, LLP

725 S Figueroa Street, 31st Floor

Los Angeles, CA 90017 Phone (213) 629–9040

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of California. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

**BOIES SCHILLER FLEXNER LLP** 

333 Main Street Armonk, NY 10504 Phone: (914) 749–8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on April 21, 2023, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

By: <u>/s/ Adam M. Moskowitz</u> ADAM M. MOSKOWITZ

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

EDWIN GARRISON, et al., on behalf of	
themselves and all others similarly situated	1,

Plaintiffs,

ν.

SAM BANKMAN-FRIED, et al.,

Defenaants.		

## NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT SHOHEI OHTANI

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Shohei Ohtani

**DATE**: May 12, 2023

**TIME**: 10:00 AM (PDT) // 1:00 PM (EDT)

**LOCATION**: Boies, Schiller Flexner, LLP

725 S Figueroa Street, 31st Floor

Los Angeles, CA 90017 Phone (213) 629–9040

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of California. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

#### By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

#### **BOIES SCHILLER FLEXNER LLP**

333 Main Street Armonk, NY 10504 Phone: (914) 749–8200 dboies@bsfllp.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on April 21, 2023, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

By: <u>/s/ Adam M. Moskowitz</u> ADAM M. MOSKOWITZ

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

ν.

SAM BANKMAN-FRIED, et al.,

Defendants.	
	/

## NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF <u>DEFENDANT STEPHEN CURRY</u>

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Stephen Curry

**DATE**: May 9, 2023

**TIME**: 10:00 AM (PDT) // 1:00 PM (EDT)

**LOCATION**: Boies, Schiller Flexner, LLP

725 S Figueroa Street, 31st Floor

Los Angeles, CA 90017 Phone (213) 629–9040

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of California. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

## (Casse:11:232+rox)+038056-KNMM | Doccumentt4968-31. Eintenedion FILSID Dockett04/05/2028 | Page 560off

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye

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Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on April 21,

2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz\_ ADAM M. MOSKOWITZ

# Exhibit B

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		
		/

#### JOINT REPORT IN RESPONSE TO THE COURT'S MAY 16, 2023 ORDER [ECF 88]

Plaintiffs, Edwin Garrison, et al. ("Plaintiffs"), and Kevin Paffrath, et al. ("Defendants") (Defendants together with Plaintiffs, the "Parties"), submit this Joint Report, in accordance with the Court's May 16, 2023 Order. ECF No. 88. All of the Parties have been very cooperative and met via phone and Zoom teleconference, but respectfully submit different suggestions for how the Court should conduct discovery on issues of service and jurisdiction. In accordance with the Court's Order, the Parties respectfully state as follows:

#### I. PLAINTIFFS' REPORT ON DISCOVERY

Plaintiffs and their Counsel have been litigating crypto class actions before this Court<sup>1</sup> for over a year and have learned a great deal during the discovery process. Plaintiffs and their Counsel have fully briefed, and received many Orders, on issues including jurisdictional discovery. Plaintiffs' Counsel have also been litigating similar class actions against Defendants Mark Cuban and his Dallas Mavericks, for their role in promoting *Voyager's* unregistered securities offerings,<sup>2</sup> where plaintiffs have completed most of the necessary discovery and depositions.

<sup>&</sup>lt;sup>1</sup> Mark Cassidy v. Voyager Digital Ltd., et al., Case No. 21-cv-24441 (the "Cassidy Action")

<sup>&</sup>lt;sup>2</sup>Robertson, et al. v. Mark Cuban, et al., Case No. 22-CV-22538 (the "Voyager Brand

Plaintiffs want to streamline and narrow discovery so that the Parties can focus on two main questions: (1) Did FTX offer and sell "unregistered securities" (including through offering and selling the FTX interest accounts and FTT tokens), and (2) did these specific Defendants "promote" the sale of the unregistered securities, leading to joint and several liability against FTX under the Florida (and/or other applicable state) securities statute(s).

In the Court's Case Management Order [D.E. 62], the Court already stated it was not (at this stage) bifurcating discovery. In the related *Voyager* cases, this Court (in the *Cassidy* Action) and Magistrate Judge Reid and Judge Altman (in the *Voyager Brand Ambassadors* Action) also found that there was no clear line between merits and class discovery under these facts and declined to bifurcate discovery. After these rulings in the *Voyager Brand Ambassadors* Action, counsel for Mr. Cuban even agreed that we take only one deposition (7 hours), so we only took one complete deposition that covered all areas (jurisdiction and merits). The Court has set a discovery deadline here of July 3<sup>rd</sup> [D.E. 62], for Plaintiffs to complete discovery related to the impending class certification.

Service of the Complaint: Issues regarding whether the Defendants were properly served is easier, because Plaintiffs provided 8 of the 10 Defendants (other than Armstrong and Creators Agency LLC) via email on March 31, 2023, with a copy of the Complaint and Notice of Commencement of Action and Request for Waiver of Service forms. See Composite Exhibit A. Many of the Defendants declined to return the Waiver forms, so they were served with formal process. Although a few Defendants contend that they were improperly served, each defendant has now appeared through counsel, who should be authorized (either by their client or by the Court) to accept service of process on their behalf, to the extent there are any perceived issues with how process was served. The current service as it stands was certainly sufficient to provide all Defendants with notice to the extent that they have now appeared in this Action. In any event, Plaintiffs certainly would not object to the Court granting Defendants—as requested—an extension of time for their responses to the Complaint as if their counsel now executed the waiver (as the deadline for responses under the waivers that were sent on March 31, 2023, would be May 30, 2023).

To the extent that any of these Defendants refuse to authorize their counsel to accept service on their behalf, Plaintiffs respectfully submit that the Court can enter an order authorizing Plaintiffs

Ambassadors Action")

to serve any Defendant with process through email to their counsel in this Action, particularly in the case of Defendant Kullberg, whose whereabouts are unknown but may be currently outside of the United States,<sup>3</sup> since the Court ordered all Defendants be served before June 13, 2023. *See, e.g.*, ECF Nos. 3, 61, 65.

**Jurisdictional Discovery**: Judge K. Michael Moore recently granted Plaintiffs leave to file an Amended Complaint in the related matter, *Garrison v. Bankman-Fried*, No. 1:22-cv-23753-KMM, ECF No. 205. We know now that it was FTX's Miami office, and its Miami-based Vice President of Business Development, Mr. Avinash Dabir, who was personally involved with originating, organizing and directing most of the FTX celebrity and promotional activities. Now that the Parties conducted their Rule 26 Meeting, Plaintiffs already served Defendants on May 17, 2023, with 7 very narrow requests for production (seeking documents about their own FTX promotions) and notices for one brief Zoom deposition of each Defendant. *See* **Composite Exhibit B**.

Plaintiffs do not want to create any unreasonable burdens for any party. In all of our prior cases, none of the Defendants have sustained their burden to show any "undue burden" in responding to this discovery, and Plaintiffs have effectively completed all of that discovery efficiently and expeditiously. These 7 narrow requests are very specific and Plaintiffs are glad for defendants to produce their materials, as they are kept in the ordinary course of business. Plaintiffs are also open to work out any specific cases, where for some reason, the production of the responsive materials may be "unduly burdensome." Moreover, Plaintiffs agree to take only one deposition via Zoom (so no travel is necessary), and Defendants can select their own location), on any date (at least 10 days after the materials are produced, but well before July 3<sup>rd</sup>).

\_

<sup>&</sup>lt;sup>3</sup> Various recent sources state that Kullberg may be located in the "United States" or in Japan, and her husband, Eric Kullberg, lists Dubai as his location on his LinkedIn profile. *See* <a href="https://www.linkedin.com/in/erika2/">https://www.linkedin.com/in/erika2/</a> (Erika Kullberg LinkedIn); <a href="https://ae.linkedin.com/in/eric-kullberg-315b633a?trk=public post feed-actor-name">https://ae.linkedin.com/in/eric-kullberg-315b633a?trk=public post feed-actor-name</a> (Eric Kullberg LinkedIn); <a href="https://il.linkedin.com/posts/eric-kullberg-315b633a">https://il.linkedin.com/posts/eric-kullberg-315b633a</a> erikataughtme-activity<a href="mailto:6988093145766887425-Vacy">6988093145766887425-Vacy</a> ("I am unbelievably proud of my wife, <a href="mailto:Erika Kullberg">Erika Kullberg</a>, who has travelled the world over the past four months to interview industry experts, entrepreneurs, leaders, authors and creators as part of her latest project — the 'Erika Taught Me' podcast.").

#### 2. <u>DEFENDANT'S REPORT ON DISCOVERY</u>

Defendants Creators Agency LLC, Erika Kullberg, Brian Jung, Tom Nash, Jaspreet Singh, Ben Armstrong, Jeremy Lefebvre, Andrei Jikh, Graham Stephan, and Kevin Paffrath intend to challenge personal jurisdiction over them. Additionally, Defendants Jeremy Lefebvre, Andrei Jikh, Erika Kullberg, and Kevin Paffrath do not believe that they have been properly served. As required by the Court's amended order of May 16, 2023, ECF No. 88, Plaintiffs and Defendants have conferred. Below, Defendants set forth their positions and address the Court's directives.

Defendants summarize their position as follows: Defendants do not believe that Plaintiffs are entitled to any jurisdictional discovery for the reasons set forth below. If, however, the Court permits limited jurisdictional discovery, then the Court should adopt a discovery and briefing schedule similar to the one it issued in *Cassidy v. Voyager Digital Ltd. See* Order, *Cassidy v. Voyager Digital Ltd.*, No. 21-cv-24441-CMA, at 6–7 (S.D. Fla. Mar. 3, 2022), ECF No. 36 (the "Voyager Digital Order"). Regardless of whether the Court permits limited jurisdictional discovery, the Court—as it also ruled in the *Voyager Digital* Order—should set aside or stay all other deadlines in its Scheduling Order. ECF No. 62. Only if any of Defendants are not dismissed because of lack of personal jurisdiction or improper service should the case then proceed on the merits.

#### **Personal Jurisdiction**

At the outset, based on the allegations in the Complaint, Plaintiffs are not entitled to any jurisdictional discovery. It is well established that courts have wide latitude in denying jurisdictional discovery where a plaintiff has failed to make a prima facie case for jurisdiction. *See, e.g., Frontera Res. Azerbaijan Corp. v. State Oil Co. of the Azerbaijan Rep.*, 582 F.3d 393, 401 (2d Cir. 2009) ("A district court has wide latitude to determine the scope of discovery, and is typically within its discretion to deny jurisdictional discovery when the plaintiff has not made out a prima facie case for jurisdiction." (alteration omitted) (citation omitted) (internal quotation marks omitted)); *Negrón–Torres v. Verizon Commc'ns, Inc.*, 478 F.3d 19, 27 (1st Cir. 2007) ("[B]ecause Negrón has failed to make a colorable claim for personal jurisdiction, we have no reason to overturn the district court's denial of her request for jurisdictional discovery."); *Vision Media TV Grp., LLC v. Forte*, 724 F. Supp. 2d 1260, 1267 n.3 (S.D. Fla. 2010) ("Plaintiff must provide the Court with some showing establishing the need for jurisdictional discovery."); 8 CHARLES ALAN WRIGHT, FEDERAL PRACTICE AND PROCEDURE § 2008.3 (3d ed. Apr. 2014) ("[A] district court

may properly refuse or limit jurisdictional discovery if the plaintiff has not made a sufficient showing that there may be a basis for exercise of jurisdiction ....").

Here, Plaintiffs have failed to make a prima facie case for personal jurisdiction over any Defendant. To begin with, the Complaint contains no well-pleaded allegations about any one of Defendants that would support personal jurisdiction over any of them. Indeed, apart from brief allegations identifying Defendants, see Compl. ¶¶ 22–31, the Complaint contains no allegations about any Defendant suggesting that any is subject to personal jurisdiction in Florida. Although the Complaint does contain a paragraph on personal jurisdiction, see Compl. ¶ 33, the allegations in that paragraph—which lumps all Defendants together—contain "no more than conclusions" that "are not entitled to the assumption of truth." Ashcroft v. Igbal, 556 U.S. 662, 678 (2009). Although—as the Court recently observed—"a plaintiff 'initially need only allege sufficient facts to make out a prima facie case of jurisdiction," Voyager Digital Order at 2 (quoting Posner v. Essex Ins. Co., 178 F.3d 1209, 1214 (11th Cir. 1999), Plaintiffs' Complaint has failed even to do that. In short, the Court should not permit any jurisdictional discovery at all. See Indus. Network, Inc. v. Hitti, 2014 WL 324656, at \*3 (S.D. Fla. Jan. 28, 2014) ("The purpose of jurisdictional discovery is to ascertain the truth of the allegations underlying the assertion of personal jurisdiction—it is not a vehicle for a fishing expedition in the hopes that discovery will sustain the exercise of jurisdiction.").

If the Court does not permit any jurisdictional discovery, then the Court should require Defendants to file their motions to dismiss for lack of personal jurisdiction, to dismiss for improper service, and to dismiss for failure to state a claim and to join indispensable parties within 30 days, so that all Defendants respond at the same time. All other deadlines and merits discovery should be stayed until after the Court rules on these motions to dismiss.

If, on the other hand, the Court is inclined instead to permit limited jurisdictional discovery, then the Court should adopt a discovery and briefing schedule similar to the one set forth in the *Voyager Digital* Order. Specifically, Defendants propose the following schedule, which would conclude jurisdictional discovery within roughly two months' time:

• Within 10 days after the Court enters an order, the parties must serve any written discovery (which may consist of requests for production, interrogatories, and requests for admission) on the opposing party<sup>4</sup>, which must be limited solely to personal jurisdiction.

<sup>&</sup>lt;sup>4</sup> For clarity, if jurisdictional discovery is permitted, Defendants seek to take discovery from

- Within 21 days after service of any written discovery, the parties must serve responses, any objections, and any non-objected-to discovery (together, "Responsive Discovery"). For any objections, the parties must promptly meet and confer and contact Judge Damian's chambers to arrange a date for a hearing.
- Within 21 days after service of the Responsive Discovery, any desired depositions must take place. As with the written discovery, the scope of any deposition is limited solely to personal jurisdiction and is limited to 5 hours each.
- Within 7 days after completion of jurisdictional discovery, Defendants must file their motions to dismiss for lack of personal jurisdiction, for improper service, and for failure to state a cause of action and failure to join indispensable parties. Thereafter, response and reply memoranda are due within the timeframe permitted by the Local Rules.

Defendants acknowledge that this briefing schedule builds in more time than that in the *Voyager Digital* Order. But that additional time—about two months for jurisdictional discovery to be completed and for the motions to dismiss for lack of personal jurisdiction to be filed—is necessary because inn *Voyager Digital*, there were only two defendants; here, there are ten defendants. Thus, discovery will take longer logistically, and additional time is warranted.

Regardless of whether the Court permits limited jurisdictional discovery, the Court should set aside or stay all other deadlines in its Scheduling Order. ECF No. 62 including merits discovery. "As a general rule, courts should address issues relating to personal jurisdiction before reaching the merits of a plaintiff's claims." *Rep. of Pan. v. BCCI Holdings (Lux.) S.A.*, 119 F.3d 935, 941 (11th Cir. 1997); *see also id.* ("A defendant that is not subject to the jurisdiction of the court cannot be bound by its rulings. Thus, as a preliminary matter, courts should determine if they have the power to bind a defendant with a ruling on the merits of the case." (citation omitted)). For this reason, the Court stayed all its deadlines in the *Voyager Digital* Order, and it should do the same here. Only if any Defendant is not dismissed because of lack of personal jurisdiction or improper service should the Court permit merits discovery.

#### **Service of Process**

Four Defendants assert that that have not been properly served with process: Jeremy Lefebvre, Andrei Jikh, Kevin Paffrath, and Erika Kullberg. On May 18, 2023, these Defendants

Plaintiffs regarding personal jurisdiction as well. During meet-and-confer sessions with counsel for Defendant Paffrath, Plaintiffs' counsel seem to indicate that they believed jurisdictional discovery should be provided only from Defendants to Plaintiff. Defendants disagree with this position and believe that jurisdictional discovery should be available to all parties.

conferred with Plaintiffs in an attempt to resolve the issues surrounding service. Defendants Lefebvre, Jikh, and Paffrath have agreed to accept service of process through an appropriate waiver, and it is their position that doing so would entitle them to 60 days to answer or otherwise respond to the Complaint. *See* FED. R. CIV. P. 4(d). Based on the conferral, Plaintiffs seemed inclined to permit these Defendants additional time to respond if Defendants accepted service of process. Plaintiffs, however, raised a concern that the Court would not want multiple or varying deadlines within which different Defendants would respond.

To address this concern, Defendants propose that, if no jurisdictional discovery is permitted, *all* Defendants be given 30 days to file a motion for lack of personal jurisdiction and to file a motion to dismiss based on Rule 12(b)(6) and/or Rule 12(b)(7) grounds (and Defendant Kullberg will file a motion to dismiss to challenge the sufficiency of service). Alternatively, if jurisdictional discovery is permitted, the motions to dismiss would be filed in accordance with the schedule proposed above (7 days after completion of jurisdictional discovery) and all Defendants would agree to participate in jurisdictional discovery in the interim period before the motions to dismiss would be due.

With regard to Defendant Paffrath, Plaintiffs claim to have served Mr. Paffrath by serving the summons complaint on the windshield of his wife's automobile, in Ventura, California on April 27, 2023. (*See* Affidavit of Jeffrey S. Larock, ECF No. 58). Paffrath's counsel has preliminarily reviewed whether this purported service of process complies with federal or California law and believes the service is defective. However, Paffrath's counsel has proposed to Plaintiffs' counsel it would accept Plaintiffs' Request for Waiver of Service of Process, pursuant to Federal Rule of Civil Procedure(4)(d) in lieu of contesting service and would agree to the procedure proposed above.

Defendant Kullberg conferred with Plaintiffs' counsel via a zoom conference and via email in an effort to resolve the issues surrounding service. Specifically, Kullberg's service was not proper under New York law because she does not reside, and has never resided, at 40 Waterside Plz, Apt 11D, New York, NY, *see* ECF No. 25, nor at any location in New York. Furthermore, the return of service has inaccurate statements. Defendant Kullberg has requested that Plaintiffs withdraw their affidavit of return of service, and properly serve Defendant Kullberg. No agreement on the issues of service as it relates to Kullberg has been reached.

#### Respectfully submitted May 18, 2023.

By: /s/ Adam M. Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

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Counsel for Defendant Jaspreet Singh

By: /s/Joseph M. Mysorewala

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Counsel for Defendants Graham Stephan, Adrei Jikh, and Jeremy Lefebvre

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Miami, Florida 33131

Telephone: 305.442.6547 Facsimile: 305.442.6541

Attorney for Defendant Kevin Paffrath

**CERTIFICATE OF SERVICE** 

I hereby certify that a true and correct copy of the forgoing was filed on May 18, 2023,

with the Court via the CM/ECF system, which will send notification of such filing to all

attorneys and/or parties of record.

By: s/Adam M. Moskowitz

ADAM M. MOSKOWITZ

# Composite Exhibit A

**From:** Joseph Kaye

**Sent:** Friday, March 31, 2023 12:29 AM

**To:** andrei@majikh.com

**Cc:** Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet

Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack

Subject: Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service -

Andrei Jikh

Attachments: 2023.03.31 - ANDRE JIKH - Garrison v. Paffrath - Waiver Return.pdf; Garrison v. Paffrath - 23-

cv-21023 - D.E. 1 - Complaint.PDF; 2023.03.31 - ANDRE JIKH - Garrison v. Paffrath - Waiver

Request.pdf

Follow Up Flag: Follow up Flag Status: Flagged

Good evening, Mr. Jikh,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

Best,

Joseph M. Kaye, P.A.

Partner

The Moskowitz Law Firm, PLLC

P.O. Box 141609

Coral Gables, FL 33114

For Hand Deliveries Use:

251 Valencia Ave #141609

Coral Gables, FL 33114 Office: (305) 740-1423 Direct: (786) 309-9585

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CIRCULAR 230 DISCLAIMER: The IRS now requires written advice (including electronic communications) regarding one or more Federal (i.e., United States) tax issues to meet certain standards. Those standards involve a detailed and careful analysis of the facts and applicable law which we expect would be time

**From:** Joseph Kaye

**Sent:** Friday, March 31, 2023 12:29 AM

To: team@jungmedia.io

**Cc:** Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet

Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack

**Subject:** Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service - Brian

Jung

Attachments: 2023.03.31 - BRIAN JUNG - Garrison v. Paffrath - Waiver Return.pdf; Garrison v. Paffrath - 23-

cv-21023 - D.E. 1 - Complaint.PDF; 2023.03.31 - BRIAN JUNG - Garrison v. Paffrath - Waiver

Request.pdf

Follow Up Flag: Follow up Flag Status: Flagged

Good evening, Mr. Jung,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

Best,

Joseph M. Kaye, P.A.

Partner

The Moskowitz Law Firm, PLLC

P.O. Box 141609

Coral Gables, FL 33114

For Hand Deliveries Use:

251 Valencia Ave #141609

Coral Gables, FL 33114 Office: (305) 740-1423 Direct: (786) 309-9585

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**From:** Joseph Kaye

**Sent:** Friday, March 31, 2023 12:30 AM

To: grahamstephanbusiness@gmail.com; graham.stephan@gmail.com; graham.stephan1@gmail.com;

graham\_stephan@yahoo.com; grahamthebeast@yahoo.com; gstephan@youtube.com;

grahamstephan@youtube.com

Cc: Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet

Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack

**Subject:** Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service -

Graham Stephan

**Attachments:** 2023.03.31 - GRAHAM STEPHAN - Garrison v. Paffrath - Waiver Request.pdf; 2023.03.31 - GRAHAM

STEPHAN - Garrison v. Paffrath - Waiver Return.pdf; Garrison v. Paffrath - 23-cv-21023 - D.E. 1 -

Complaint.PDF

Follow Up Flag: Follow up Flag Status: Flagged

Good evening, Mr. Stephan,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

Best,

Joseph M. Kaye, P.A.

Partner

The Moskowitz Law Firm, PLLC

P.O. Box 141609

Coral Gables, FL 33114

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Office: (305) 740-1423 Direct: (786) 309-9585

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CIRCULAR 230 DISCLAIMER: The IRS now requires written advice (including electronic communications) regarding one or more Federal (i.e., United States) tax issues to meet certain standards. Those standards

**From:** Joseph Kaye

**Sent:** Friday, March 31, 2023 12:30 AM

**To:** team@theminoritymindset.com; jsingh@theminoritymindset.com; jasingh21@gmail.com

**Cc:** Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet

Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack

Subject: Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service -

Jaspreet Singh

Attachments: 2023.03.31 - JASPREET SINGH - Garrison v. Paffrath - Waiver Request.pdf; 2023.03.31 - JASPREET

SINGH - Garrison v. Paffrath - Waiver Return.pdf; Garrison v. Paffrath - 23-cv-21023 - D.E. 1 -

Complaint.PDF

Follow Up Flag: Follow up Flag Status: Flagged

Good evening, Mr. Singh,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

Best,

Joseph M. Kaye, P.A.

Partner

The Moskowitz Law Firm, PLLC

P.O. Box 141609

Coral Gables, FL 33114

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251 Valencia Ave #141609

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Direct: (786) 309-9585

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CIRCULAR 230 DISCLAIMER: The IRS now requires written advice (including electronic communications) regarding one or more Federal (i.e., United States) tax issues to meet certain standards. Those standards

**From:** Joseph Kaye

**Sent:** Friday, March 31, 2023 12:30 AM

To: jlbrandsproduction@yahoo.com; jeremy@financialeducationjeremy.com

**Cc:** Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet

Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack

**Subject:** Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service -

Jeremy Lefebvre

Attachments: 2023.03.31 - JEREMY LEFEBVRE - Garrison v. Paffrath - Waiver Request.pdf; 2023.03.31 - JEREMY

LEFEBVRE - Garrison v. Paffrath - Waiver Return.pdf; Garrison v. Paffrath - 23-cv-21023 - D.E. 1 -

Complaint.PDF

Follow Up Flag: Follow up Flag Status: Flagged

Good evening, Mr. Lefebvre,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

Best,

Joseph M. Kaye, P.A.

Partner

The Moskowitz Law Firm, PLLC

P.O. Box 141609

Coral Gables, FL 33114

For Hand Deliveries Use:

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Coral Gables, FL 33114 Office: (305) 740-1423 Direct: (786) 309-9585

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**From:** Joseph Kaye

**Sent:** Friday, March 31, 2023 12:29 AM

**To:** staff@meetkevin.com; kevin@meetkevin.com; kevinpaffrath@gmail.com

**Cc:** Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet

Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack

**Subject:** Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service - Kevin

**Paffrath** 

Attachments: 2023.03.31 - KEVIN PAFFRATH - Garrison v. Paffrath - Waiver Request.pdf; 2023.03.31 - KEVIN

PAFFRATH - Garrison v. Paffrath - Waiver Return.pdf; Garrison v. Paffrath - 23-cv-21023 - D.E. 1 -

Complaint.PDF

Follow Up Flag: Follow up Flag Status: Flagged

Good evening, Mr. Paffrath,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

Best,

Joseph M. Kaye, P.A.

Partner

The Moskowitz Law Firm, PLLC

P.O. Box 141609

Coral Gables, FL 33114

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**From:** Joseph Kaye

**Sent:** Friday, March 31, 2023 12:29 AM

**To:** tomnashyt@gmail.com

**Cc:** Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet

Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack

**Subject:** Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service - Tom

Nash

Attachments: 2023.03.31 - TOM NASH - Garrison v. Paffrath - Waiver Return.pdf; Garrison v. Paffrath - 23-cv-21023

- D.E. 1 - Complaint.PDF; 2023.03.31 - TOM NASH - Garrison v. Paffrath - Waiver Request.pdf

Follow Up Flag: Follow up Flag Status: Flagged

Good evening, Mr. Nash,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

Best,

Joseph M. Kaye, P.A.

Partner

The Moskowitz Law Firm, PLLC

P.O. Box 141609

Coral Gables, FL 33114

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Office: (305) 740-1423 Direct: (786) 309-9585

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From: <u>Joseph Kaye</u>

To: <a href="mailto:erika@creatorsagency.co">erika@erika@creatorsagency.co</a>; <a href="mailto:erika@erika@erikakullberg.com">erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika@erika

Cc: Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet Bernstein;

Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack

Subject: Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service - Erika Kullberg

**Date:** Friday, March 31, 2023 12:29:54 AM

Attachments: 2023.03.31 - ERIKA KULLBERG - Garrison v. Paffrath - Waiver Request.pdf

<u> 2023.03.31 - ERIKA KULLBERG - Garrison v. Paffrath - Waiver Return.pdf</u>

Garrison v. Paffrath - 23-cv-21023 - D.E. 1 - Complaint.PDF

#### Good evening, Ms. Kullberg,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

Best,

Joseph M. Kaye, P.A.

Partner

The Moskowitz Law Firm, PLLC

P.O. Box 141609

Coral Gables, FL 33114

For Hand Deliveries Use:

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Coral Gables, FL 33114

Office: (305) 740-1423 Direct: (786) 309-9585

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# Composite Exhibit B

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

## NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT BEN ARMSTRONG

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Ben Armstrong

**DATE**: June 19, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

#### By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134 Ph: 305-442-8666 Fx: 305-285-1668 szg@grossmanroth.com

aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

#### By: /s/ Jose Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736 MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	/

#### PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT BEN ARMSTRONG</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Ben Armstrong

("Armstrong"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134

Ph: 305-442-8666 Fx: 305-285-1668

szg@grossmanroth.com

aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800

Miami, FL 33131

Office: 305-539-8400

szack@bsfllp.com

tulrich@bsfllp.com

#### By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

#### MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: <u>/s/ Adam M. Moskowitz</u>
ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Armstrong," "You," or "Your" means Defendant Ben Armstrong and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

## NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT KEVIN PAFFRATH

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Kevin Paffrath

**DATE**: June 20, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

#### COBRES & 223-3 and 402300726 KOMMA Discourrent (493622) Hint three bloom THE 5500 Discourrent (493622) Pringe (1264) for 136

Edwin Garrison, et al. v. Kevin Paffrath, et al. CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023 Respectfully submitted,

#### By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

#### THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

#### By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134 Ph: 305-442-8666 Fx: 305-285-1668 szg@grossmanroth.com aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705 **BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

#### By: /s/ Jose Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736 MARK MIGDAL HAYDEN LLP 8 SW 8th Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz

ADAM M. MOSKOWITZ

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		
		/

#### PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT KEVIN PAFFRATH</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Kevin Paffrath ("Paffrath"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

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Ph: 305-442-8666 Fx: 305-285-1668

szg@grossman roth.com

aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800

Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

#### By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

#### MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: <u>/s/ Adam M. Moskowitz</u>
ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Paffrath," "You," or "Your" means Defendant Kevin Paffrath and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

## NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT ANDREI JIKH

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Andre Jikh

**DATE**: June 21, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

#### 

Edwin Garrison, et al. v. Kevin Paffrath, et al. CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023 Respectfully submitted,

### By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

#### THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

# By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134 Ph: 305-442-8666 Fx: 305-285-1668

szg@grossmanroth.com aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

# **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

### By: /s/ Jose Ferrer

Jose Ferrer
Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
MARK MIGDAL HAYDEN LLP

8 SW 8<sup>th</sup> Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz ADAM M. MOSKOWITZ

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	,

# PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT ANDREI JIKH</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Andrei Jikh ("Jikh"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134

Ph: 305-442-8666 Fx: 305-285-1668

szg@grossman roth.com

aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800

Miami, FL 33131

Office: 305-539-8400

szack@bsfllp.com

tulrich@bsfllp.com

# By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

#### MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: <u>/s/ Adam M. Moskowitz</u>
ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Jikh," "You," or "Your" means Defendant Andrei Jikh and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF <u>DEFENDANT GRAHAM STEPHAN</u>

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Graham Stephan

**DATE**: June 22, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

# By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134 Ph: 305-442-8666 Fx: 305-285-1668 szg@grossmanroth.com aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

# **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

#### By: /s/ Jose Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736 MARK MIGDAL HAYDEN LLP 8 SW 8<sup>th</sup> Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz

ADAM M. MOSKOWITZ

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	,

# PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT GRAHAM STEPHAN</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Graham Stephan

("Stephan"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

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szg@grossmanroth.com

aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

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Miami, FL 33131 Office: 305-539-8400

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tulrich@bsfllp.com

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# By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

# MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz\_

ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Stephan," "You," or "Your" means Defendant Graham Stephan and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

<sup>&</sup>lt;sup>1</sup> Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT JASPREET SINGH

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Jaspreet Singh

**DATE**: June 23, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

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Edwin Garrison, et al. v. Kevin Paffrath, et al. CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023 Respectfully submitted,

#### By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

#### THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

#### By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134 Ph: 305-442-8666 Fx: 305-285-1668 szg@grossmanroth.com aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

# **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

#### By: /s/ Jose Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736 MARK MIGDAL HAYDEN LLP 8 SW 8<sup>th</sup> Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz

ADAM M. MOSKOWITZ

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	/

# PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT JASPREET SINGH</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Jaspreet Singh ("Singh"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134

Ph: 305-442-8666

Fx: 305-285-1668

szg@grossman roth.com

aag@grossmanroth.com

# By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800

Miami, FL 33131

Office: 305-539-8400

szack@bsfllp.com

tulrich@bsfllp.com

# By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

#### MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz\_

ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Singh," "You," or "Your" means Defendant Jaspreet Singh and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT BRIAN JUNG

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Brian Jung

**DATE**: June 26, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 17, 2023 Respectfully submitted,

#### By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

# THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

# By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134 Ph: 305-442-8666 Fx: 305-285-1668 szg@grossmanroth.com

#### By: /s/ Stephen Neal Zack

aag@grossmanroth.com

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

# **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

### By: /s/ Jose Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736 MARK MIGDAL HAYDEN LLP 8 SW 8<sup>th</sup> Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz

ADAM M. MOSKOWITZ

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	/

# PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT BRIAN JUNG</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Brian Jung ("Jung"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

# GROSSMAN ROTH YAFFA COHEN, P.A.

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Ph: 305-442-8666

Fx: 305-285-1668

szg@grossmanroth.com aag@grossmanroth.com

## By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

## **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800

Miami, FL 33131

Office: 305-539-8400

szack@bsfllp.com

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## By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

# MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz\_

ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Jung," "You," or "Your" means Defendant Brian Jung and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT JEREMY LEFEBVRE

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Jeremy LeFebvre

**DATE**: June 27, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

# By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

## GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150 Coral Gables, FL 33134 Ph: 305-442-8666 Fx: 305-285-1668

Fx: 305-285-1668 szg@grossmanroth.com aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

## **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736

MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz ADAM M. MOSKOWITZ

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	/

## PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT JEREMY LEFEBVRE</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Jeremy LeFebvre ("LeFebvre"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

## GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134

Ph: 305-442-8666

Fx: 305-285-1668

szg@grossman roth.com

aag@grossmanroth.com

## By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800

Miami, FL 33131

Office: 305-539-8400

szack@bsfllp.com

tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

#### MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: <u>/s/ Adam M. Moskowitz</u>
ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "LeFebvre," "You," or "Your" means Defendant Jeremy LeFebvre and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

## SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT TOM NASH

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Tom Nash

**DATE**: June 28, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

## THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

# By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

## GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134 Ph: 305-442-8666 Fx: 305-285-1668 szg@grossmanroth.com

# By: /s/ Stephen Neal Zack

aag@grossmanroth.com

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736 MARK MIGDAL HAYDEN LLP 8 SW 8<sup>th</sup> Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz ADAM M. MOSKOWITZ

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

## PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT TOM NASH</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Tom Nash ("Nash"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

#### C&Sec 4: 23-8adv620725KMMA Documenti2948-23 Eintened on FLSSD Docket 05/109/2023 Prage 208 fof 136

Edwin Garrison, et al. v. Kevin Paffrath, et al. CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122

## GROSSMAN ROTH YAFFA COHEN, P.A.

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## By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

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Miami, FL 33131

Office: 305-539-8400

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## By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

#### MARK MIGDAL HAYDEN LLP

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Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

> By: /s/ Adam M. Moskowitz. ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Nash," "You," or "Your" means Defendant Tom Nash and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

## SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT ERIKA KULLBERG

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Erika Kullberg

**DATE**: June 29, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 17, 2023 Respectfully submitted,

## By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

## THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

# By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

## GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134 Ph: 305-442-8666 Fx: 305-285-1668 szg@grossmanroth.com

#### By: /s/ Stephen Neal Zack

aag@grossmanroth.com

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736 MARK MIGDAL HAYDEN LLP 8 SW 8<sup>th</sup> Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	/

## PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT ERIKA KULLBERG</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Erika Kullberg ("Kullberg"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

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Edwin Garrison, et al. v. Kevin Paffrath, et al. CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

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szg@grossmanroth.com

aag@grossmanroth.com

## By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

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Miami, FL 33131

Office: 305-539-8400

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tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

#### MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

> By: /s/ Adam M. Moskowitz. ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Kullberg," "You," or "Your" means Defendant Erika Kullberg and any of her affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

### SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

<sup>&</sup>lt;sup>1</sup> Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	,

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT CREATORS AGENCY, LLC'S RULE 30(b)(6) REPRESENTATIVE(S)

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Creators Agency, LLC, (the "Creators"), by and

through Creators' corporate representative(s) with knowledge of the eight topics listed in **Exhibit A**, pursuant

to Federal Rule of Civil Procedure 30(b)(6).

**DATE**: June 30, 2023

**TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

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Edwin Garrison, et al. v. Kevin Paffrath, et al. CASE NO. 23-21023-CIV-ALTONAGA/Damian

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendant Creators Agency, LLC (the "Creators") shall both designate one or more officers, directors, managing agents, or other persons to testify on its behalf on each topic listed on **Exhibit A** attached hereto.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

### THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

### By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

### GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134

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### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

### **BOIES SCHILLER FLEXNER LLP**

Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

100 SE 2nd St., Suite 2800

By: /s/ Jose Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736

MARK MIGDAL HAYDEN LLP

8 SW 8<sup>th</sup> Street, Suite 1999 Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17,

2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz\_\_\_\_\_ADAM M. MOSKOWITZ

### **EXHIBIT A**

### I. <u>DEFINITIONS AND INSTRUCTIONS</u>

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "CA," "You," or "Your" means Defendant Creators Agency LLC and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets,

magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 9. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 10. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 11. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- 12. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

### II. EIGHT DEPOSITION SUBJECTS

Pursuant to Rule 30(b)(6), CA shall designate and produce for deposition one or more of its officers, directors, managing agents, or other persons who are knowledgeable about and consent to testify on its behalf concerning the following subject matters:

- 1. All Documents and responses provided in response to Plaintiffs' request for production, dated and served on May 18, 2023.
- 2. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 3. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 4. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

- 5. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.
- 6. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 7. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 8. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		
		/

### PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT CREATORS AGENCY LLC</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Creators Agency

LLC ("CA"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

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### By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

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### By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

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Miami, FL 33130

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michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: <u>/s/ Adam M. Moskowitz</u>
ADAM M. MOSKOWITZ

### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "CA," "You," or "Your" means Defendant Creators Agency LLC and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes,

agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries

- at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;

- the name of each person who ordered, authorized, and carried out the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

### SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

# Exhibit C

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, et al.,

Plaintiffs,

v.

**KEVIN PAFFRATH**, et al.,

Defendan	nts.

### **ORDER**

**THIS CAUSE** came before the Court upon the parties' Joint Report [ECF No. 93] in response to the Court's May 16, 2023 Order [ECF No. 88]. The parties state that they have conferred but have different proposals as to how the Court should proceed on issues of jurisdictional discovery and service. (*See* Joint Report 1).

With respect to jurisdictional discovery, Plaintiffs have already served Defendants with "7 very narrow requests for production . . . and notices for one brief Zoom deposition of each Defendant[,]" which Plaintiffs believe should not create "any unreasonable burdens for any party." (*Id.* 3 (alterations added)). Defendants oppose any jurisdictional discovery, arguing that Plaintiffs have "failed to make a prima facie case for personal jurisdiction over any Defendant." (*Id.* 5). If the Court permits jurisdictional discovery, Defendants propose a schedule lasting approximately two months. (*See id.* 5–6).

Three of the parties previously contesting the sufficiency of service have agreed to accept service of process through waiver. (*See id.* 7). The parties have not reached agreement on the issue of service with respect to Defendant Erika Kullberg, who maintains that service was improper. (*See id.* 7). Plaintiffs request that to the extent Kullberg refuses to authorize her counsel

to accept service on her behalf, that the Court authorize Plaintiffs to serve her through email to her counsel. (*See id.* 2–3 (noting that Defendant Kullberg's "whereabouts are unknown but may be currently outside of the United States" (footnote call number omitted)).

The Court finds that jurisdictional discovery is appropriate; additional jurisdictional facts need not be alleged in Plaintiffs' pleading. Being fully advised, it is

### **ORDERED** as follows:

- Erika Kullberg has until May 30, 2023 to file a motion challenging the sufficiency of service.
- 2. The parties have until **May 22, 2023** to serve written jurisdictional discovery requests.
- 3. Objections to written jurisdictional discovery requests following proper conferral with opposing counsel must be exchanged by May 29, 2023. Should any objections be served and not resolved by conferral, the moving party or parties shall contact Magistrate Judge Melissa Damian by June 1, 2023 to arrange a date and time for a discovery hearing.
- The parties shall complete document production related to personal jurisdiction and answers to interrogatories in response to jurisdictional discovery requests by June 12, 2023.
- Defendants and Plaintiffs shall complete any depositions related to jurisdictional discovery by June 23, 2023.
- 6. Plaintiffs have until **June 30, 2023** to file an amended complaint or a notice advising they intend to proceed with the Complaint [ECF No. 1].

CASE NO. 23-21023-CIV-ALTONAGA/Damian

7. Defendants have until **July 18, 2023** to file a combined motion to dismiss for lack of personal jurisdiction and/or to transfer venue, or a notice that they are withdrawing their challenge to personal jurisdiction and/or venue. **No extensions** 

of time will be given for response and reply memoranda.

8. No answers to the Complaint or motions to dismiss under Federal Rule of Civil

Procedure 12(b)(6) shall be filed until after Defendants either file a motion to

dismiss for lack of personal jurisdiction and/or to transfer venue or notice that they

are withdrawing their challenge to personal jurisdiction and/or venue.

**DONE AND ORDERED** in Miami, Florida, this 19th day of May, 2023.

CECILIA M. ALTONAGA

CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record

# Composite Exhibit D

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY

(Part 1 of 3)

### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# PLAINTIFFS' SECOND SET OF INTERROGATORIES TO DEFENDANTS HASLEM, CURRY, DAVID, GOLDEN STATE WARRIORS, OSAKA, SOLOMID CORPORATION, STEPHAN, JIKH, KULLBERG, SINGH, JUNG, LEFEBVRE, AND CREATORS AGENCY, LLC

Plaintiffs, pursuant to Fed. R. Civ. P. 26 and 33, and Rule 26.1 of the Local Rules of the Southern District of Florida, request that Defendants Udonis Haslem, Stephen Curry, Naomi Osaka, Lawrence Gene David, Solomid Corporation, Golden State Warriors, LLC, Graham Stephan, Andrei Jikh, Erika Kullberg, Jaspreet Singh, Brian Jung, Jeremy Lefebvre, and Creators Agency, LLC, respectively respond, in writing and under oath, to the following interrogatories, within the time prescribed by such rules.

Respectfully submitted on November \_\_\_\_\_, 2023.

### Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

THE MOSKOWITZ LAW FIRM, PLLC

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By: /s/ David Boies

**David Boies** 

Alex Boies

Brooke Alexander

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### **Committee Members**

K. Rachel Lanier Alex J. Brown

The LANIER LAW FIRM, P.C.

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THE MOSKOWITZ LAW FIRM, PLLC

Continental Plaza

3250 Mary Street, Suite 202 Coconut Grove, FL 33133

Office: (305) 740-1423

Barbara@moskowitz-law.com

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November \_\_\_\_, 2023, a true and correct copy of the foregoing was served via email to all counsel of record.

> By: /s/ Adam Moskowitz Adam M. Moskowitz

### **DEFINITIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "FTX Entities" refers to FTX Trading and/or FTX US.
- 2. "FTX Trading" refers to FTX Trading Ltd. d/b/a FTX Trading, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents.
- 3. "FTX US" refers to West Realm Shires Services Inc. d/b/a FTX US, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "Person" or "People" refers to any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 6. "Alameda" refers to Alameda Research LLC, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform), predecessors (including acquired entities or lines of business), successors, directors, officers, employees, representatives and/or agents.
- 7. All/Each and And/Or The terms "all", "each", "and" and "or" shall be construed as meaning either all or each as necessary, or conjunctively, to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

- 8. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 9. "Communication" refers to the transmittal of information in the form of facts, ideas, inquiries or otherwise, and whether orally or in writing, or by any other means or medium, including in person, electronically and/or by exchange or communication of any document.
- 10. "Concerning" means relating to, referring to, describing, evidencing or constituting.
- 11. "Defendants" refers to any and all persons and/or entities named as defendants in any of the actions consolidated with, and into, the above-captioned action. For purposes of these Requests, Defendants also includes Silvergate Capital Corporation (a/k/a Silvergate Bank).
- 12. "Document" refers to any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including, but not limited to, memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, text messages, instant messages (including, but not limited to, messages exchanged or sent using Slack, Teams, Discord, WhatsApp, Signal or any other similar application), transcripts, studies, analyses, tests, books, articles, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, questionnaires, surveys, charts, graphs, videos, photographs, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof. To the extent not already covered in the above

definition, "Document" specifically includes any "writing", "recording", "photograph", "original" or "duplicate" as defined in Rule 1001 of the Federal Rules of Evidence, and/or "Electronically Stored Information" as set forth in Rule 34 of the Federal Rules of Civil Procedure and/or as further defined as "ESI" herein.

- 13. "ESI" refers to Electronically Stored Information, as consistent with Rule 34 of the Federal Rules of Civil Procedure, and includes all computer or electronically stored or generated data and information, including all attachments to and enclosures within any requested item, and all drafts thereof. ESI includes all information and documents stored in any format and on any storage media, including, but not limited to: hard disks; optical disks, floppy disks; flash memory drives; and magnetic tape, whether fixed, portable or removable, and ESI further includes, but is not limited to, electronic spreadsheets, electronic presentation documents, e-mail messages, text messages, instant messages (including, but not limited to, message exchanged or sent using Slack, Teams, Discord, WhatsApp, Signal or any other similar application); image files; sound files; material or information stored in a database or accessible from a database. ESI also includes all associated metadata that is maintained or saved (including for example, author, recipient, file creation date, file modification date, etc.).
- 14. "You" or "Your" shall refer to the defendant responding to these requests, including, but not limited to, its international, national or local branches or offices, and current and prior partners, employees and agents.
- 15. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

16. Defined terms may or may not be capitalized or made uppercase; the given definitions apply even if a term in question is not capitalized or made uppercase. No waiver of a definition is implied by the use of a defined term in a non-capitalized or lowercase form.

### **INSTRUCTIONS**

- 1. Production of responses and objections to the interrogatories shall be made at the offices of The Moskowitz Law Firm, P.O. Box 653409, Miami, FL 33133, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these interrogatories.
- 2. Unless otherwise stated in an interrogatory, the time period for which you must respond is January 1, 2019 through the date of response to these interrogatories.
- 3. These interrogatories shall include all information in your possession, custody or control or in the possession, custody or control of your present or former agents, representatives, or your attorneys, or any and all persons acting on your behalf, or your present or former agents, representatives, or attorneys.
- 4. Each interrogatory objection and/or response must immediately follow the quoted interrogatory, and no part of an interrogatory shall be left unanswered merely because an objection is interposed to another part of the interrogatory.
- 5. If you claim there is any ambiguity in either a particular interrogatory or in a definition or an instruction applicable thereto, you shall not use such claim as a basis for refusing to respond to the interrogatory, but you shall set forth as part of the response the language you deem ambiguous and the interpretation you used in responding.
- 6. Where an objection is made to any interrogatory, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, the local rules of the Southern District of Florida, or by the Court's order, or any extensions thereof, shall be waived.
- 7. Where a claim of privilege or protection from disclosure is asserted in objecting to any interrogatory, or sub-part thereof, and a complete answer is not provided on the basis of such assertion, you shall provide a log within the time period set forth in Rule 26.1 of the Local Rules of

the Southern District of Florida, and in conformity with the requirements of that rule.

- 8. If you answer any interrogatory by reference to records or materials from which the answer may be derived or ascertained, you shall make available within the time period specified in Rule 26.1 of the Local Rules of the Southern District of Florida:
  - (A) any electronically stored information or summaries thereof that you have or can adduce by a relatively simple procedure, unless those materials are privileged or otherwise immune from discovery.
  - (B) any relevant compilations, abstracts or summaries in your custody or readily obtainable by you, unless those materials are privileged or otherwise immune from discovery.
- 9. If any documents are produced in connection with responding to any interrogatory, such documents are to be produced in the following method:
  - a. Single page .TIFF
  - b. Color .jpg (documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c. OCR at document level (all documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents).
  - d. Electronic documents, e-mails, text or instant messages are to be processed and converted from the electronic format to single page tiff.
- 10. These interrogatories shall be deemed continuing, and supplemental interrogatory responses shall be provided as additional responsive information becomes available.

### **INTERROGATORIES**

### For All Defendants:

- 1. State whether you are authorized to do business in Florida and provide the date of issuance and nature of such authorization.
- 2. Identify each contract you have entered with any person or entity in Florida and provide the nature and dates of each said contract.
- 3. State all business you conduct or have conducted within Florida during the past three years, including the number of employees and/or agents located in Florida and any subsidiary entities located in Florida.
- 4. List any communication(s) you had to, from, or in Florida (whether written or oral) with any individual or entity for the purpose of conducting business for you or on your behalf.
- 5. State each occasion in which you travelled to Florida and the purpose and dates of such travel.
  - 6. State the existence and nature of any regular sales You have within Florida.
  - 7. List all advertising activity directed towards Florida.
- 8. State the location/address of any bank, credit union, or other financial institution at which you maintain account(s) in Florida.
  - 9. State whether you have paid state income tax in Florida in the last three years.

### For Defendant Erika Kullberg:

- 10. State your full legal name and any aliases you have.
- 11. State your domicile and your current residence address.
- 12. State all residence addresses you have resided in and the address(es) at which you have received mail.

- 13. State the address(es) shown on your driver's license and any professional license(s).
  - 14. State the address(es) of any business(es) you own or operate in the United States.
- 15. State each location in which you are licensed or otherwise authorized to do business and provide the date of issuance.
  - 16. State any previous names or aliases.
- 17. List any and all dates for which you have either visited, lived, or resided at 40 Waterside Plz, Apt. 11D, New York, New York 10010.
- 18. State whether you have ever leased a residence under the name "Erika Nicole Shannon."
- 19. State all addresses for which you have entered into a lease using the name "Erika Nicole Shannon" or "Erika Kullberg."
- 20. State how you became aware of the service attempt on April 6, 2023 at 40 Waterside Plz, Apt. 11D, New York, New York 10010.
- 21. State whether you received any telephone calls from an individual purporting to be a front desk worker or security for an apartment building on April 6, 2023.
  - 22. State how you know Arzu Malik.
- 23. State how you became aware that you were named as a Defendant in the above-captioned case.

### **VERIFICATION**

	SI	GNATURE		
STATE OF	)			
COUNTY OF	) SS: )			
BEFORE ME, the	undersigned authority,	personally appe	eared	
[ ] personally known to me	or [ ] who produced ide	entification of _		
who after being first duly swo	orn, deposes and states tha	t he executed the	foregoing and	that it is true
and correct.	-			
SWORN TO AND SU	BSCRIBED BEFORE MI	E this day or	f	, 2023.
[Seal]				
	Notary Pu	olic		
	Print Nam	e		

### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

**MDL No. 3076** CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

### NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF **DEFENDANT ANDREI JIKH**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiffs' counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Andre Jikh

DATE:

TIME:

LOCATION: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Respectfully submitted on November \_\_\_\_\_, 2023.

### **Plaintiffs' Co-Lead Counsel**

By: /s/ Adam Moskowitz.

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

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By: /s/ David Boies

David Boies

Alex Boies

Brooke Alexander

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Telephone: (713) 659-5200

Rachel.Lanier@lanierlawfirm.com Alex.Brown@lanierlawfirm.com

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November \_\_\_\_, 2023, a true and correct copy of the foregoing was served via email to all counsel of record.

By: <u>/s/ Adam M. Moskowitz</u>
Adam M. Moskowitz

MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT BRIAN JUNG

Pursuant to Federal Rule of Civil Procedure 30, Plaintiffs' counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Brian Jung

DATE:

TIME:

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Respectfully submitted on November \_\_\_\_\_, 2023

#### Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

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Office: (305) 740-1423 adam@moskowitz-law.com joseph@moskowitz-law.com service@moskowitz-law.com By: /s/ David Boies

David Boies Alex Boies

Brooke Alexander

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By: <u>/s/ Adam M. Moskowitz</u>
Adam M. Moskowitz

MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT CREATORS AGENCY, LLC'S RULE 30(b)(6) REPRESENTATIVE(S)

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Creators Agency, LLC, (the "Creators"), by and

through Creators' corporate representative(s) with knowledge of the eight topics listed in **Exhibit A**, pursuant

to Federal Rule of Civil Procedure 30(b)(6).

DATE:

TIME:

Continental Plaza

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Respectfully submitted on November , 2023.

Plaintiffs' Co-Lead Counsel			
Day /c/ A Jam Mankania	D //D :/D :		
By: /s/ Adam Moskowitz	By: /s/ David Boies		
Adam M. Moskowitz	David Boies		
Florida Bar No. 984280	Alex Boies		
Joseph M. Kaye	Brooke Alexander		
Florida Bar No. 117520	BOIES SCHILLER FLEXNER LLP		
THE MOSKOWITZ LAW FIRM, PLLC	333 Main Street		

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joseph@moskowitz-law.com	outexamer & ostrip.com
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Disintiffer Du	cometer Committee Members

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Rachel.Lanier@lanierlawfirm.com Alex.Brown@lanierlawfirm.com

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November \_\_\_\_, 2023, a true and correct copy of the foregoing was served via email to all counsel of record.

By: <u>/s/ Adam M. Moskowitz</u>
Adam M. Moskowitz

#### **EXHIBIT A**

## I. <u>DEFINITIONS AND INSTRUCTIONS</u>

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "CA," "You," or "Your" means Defendant Creators Agency LLC and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets,

magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 9. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 10. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 11. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

#### II. <u>DEPOSITION SUBJECTS</u>

Pursuant to Rule 30(b)(6), CA shall designate and produce for deposition one or more of its officers, directors, managing agents, or other persons who are knowledgeable about and consent to testify on its behalf concerning the following subject matters:

- 1. All Documents and responses provided in response to Plaintiffs' requests for production and interrogatories.
- 2. Contracts or agreements regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 3. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
  - 4. Defendant's "targeting" of Florida audience and Florida's FTX consumers.
- 5. Your (or Your entities' affiliates, representatives, employees, or agents) promotion of FTT, YBAs or the FTX Platform.

Any such videos and/or content either should still be saved on Defendant's hard drives and preserved for use in this litigation or should still be on the private-facing portions of their social media platforms—for instance, Defendant could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

- 6. All due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
  - 7. This lawsuit and/or the subject matter of this lawsuit.

MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT ERIKA KULLBERG

Pursuant to Federal Rule of Civil Procedure 30, Plaintiffs' counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Erika Kullberg

DATE:

TIME:

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Respectfully submitted on November \_\_\_\_\_, 2023.

#### Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz,

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

THE MOSKOWITZ LAW FIRM, PLLC

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By: /s/ David Boies

**David Boies** 

Alex Boies

Brooke Alexander

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By: /s/ Adam M. Moskowitz

Adam M. Moskowitz

CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT GOLDEN STATE WARRIORS LLC RULE 30(b)(6) **REPRESENTATIVE(S)**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiffs' counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Golden State Warriors LLC

DATE:

TIME:

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Respectfully submitted on November \_\_\_\_\_, 2023.

#### Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

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By: /s/ David Boies

David Boies

Alex Boies Brooke Alexander

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# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November \_\_\_\_, 2023, a true and correct copy of the foregoing was served via email to all counsel of record.

By: /s/ Adam M. Moskowitz

Adam M. Moskowitz

#### **EXHIBIT A**

## I. DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "GSW," "You," or "Your" means Defendant Golden State Warriors LLC and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 9. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 10. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 11. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

## II. <u>DEPOSITION SUBJECTS</u>

Pursuant to Rule 30(b)(6), GSW shall designate and produce for deposition one or more of its officers, directors, managing agents, or other persons who are knowledgeable about and consent to testify on its behalf concerning the following subject matters:

- 1. All Documents and responses provided in response to Plaintiffs' requests for production and interrogatories.
- 2. Contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 3. All content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced or generated regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including content that may no longer be publicly available.
  - 4. Defendant's "targeting" of Florida audience and Florida's FTX consumers.
- 5. Your (or Your entities' affiliates, representatives, employees, or agents) promotion of FTT, YBAs or the FTX Platform.
- 6. All due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 7. Your sales and revenue generated from advertising and marketing in Florida and/or to Florida consumers.
  - 8. This lawsuit and/or the subject matter of this lawsuit.

MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT JASPREET SINGH

Pursuant to Federal Rule of Civil Procedure 30, Plaintiffs' counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Jaspreet Singh

DATE:

TIME:

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Respectfully submitted on November \_\_\_\_\_, 2023.

## **Plaintiffs' Co-Lead Counsel**

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

THE MOSKOWITZ LAW FIRM, PLLC

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By: /s/ David Boies

David Boies

Alex Boies

Brooke Alexander

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Barbara C. Lewis

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Telephone: (713) 659-5200

Rachel.Lanier@lanierlawfirm.com Alex.Brown@lanierlawfirm.com

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November \_\_\_\_, 2023, a true and correct copy of the foregoing was served via email to all counsel of record.

By: <u>/s/ Adam M. Moskowitz</u>
Adam M. Moskowitz

MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT JEREMY LEFEBVRE

Pursuant to Federal Rule of Civil Procedure 30, Plaintiffs' counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Jeremy LeFebvre

DATE:

TIME:

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Respectfully submitted on November , 2023.

#### **Plaintiffs' Co-Lead Counsel**

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

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David Boies Alex Boies

Brooke Alexander

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Rachel.Lanier@lanierlawfirm.com Alex.Brown@lanierlawfirm.com

# **CERTIFICATE OF SERVICE**

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By: /s/ Adam M. Moskowitz

Adam M. Moskowitz

MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT LAWRENCE GENE DAVID

Pursuant to Federal Rule of Civil Procedure 30, Plaintiffs' counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Lawrence Gene David

**DATE**:

TIME:

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Respectfully submitted on November , 2023.

<b>Plaintiffs'</b>	Co-Lead	Counsel
--------------------	---------	---------

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

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<b>Plaintiffs' Promoter Committee Members</b>		
Barbara C. Lewis	K. Rachel Lanier	
Florida Bar No. 118114	Alex Brown	
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Coconut Grove, FL 33133	Telephone: (713) 659-5200	
Office: (305) 740-1423	Rachel.Lanier@lanierlawfirm.com	
barbara@moskowitz-law.com service@moskowitz-law.com	Alex.Brown@lanierlawfirm.com	

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By: <u>/s/ Adam M. Moskowitz</u> Adam M. Moskowitz

MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT NAOMI OSAKA

Pursuant to Federal Rule of Civil Procedure 30, Plaintiffs' counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Naomi Osaka

DATE:

TIME:

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Respectfully submitted on November \_\_\_\_\_, 2023.

#### Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

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By: /s/ David Boies

David Boies

Alex Boies

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I HEREBY CERTIFY that on November \_\_\_\_, 2023, a true and correct copy of the foregoing was served via email to all counsel of record.

By: /s/ Adam M. Moskowitz

Adam M. Moskowitz

MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT SOLOMID CORP. RULE 30(b)(6) REPRESENTATIVE(S)

Pursuant to Federal Rule of Civil Procedure 30, Plaintiffs' counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Solomid Corp. by and through Solomid Corp.'

corporate representative(s) with knowledge of the eight topics listed in **Exhibit A**, pursuant to Federal Rule of Civil Procedure

30(b)(6).

DATE:

TIME:

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Respectfully submitted on November \_\_\_\_\_, 2023.

<b>Plaintiffs'</b>	Co-Lead	Counsel

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

THE MOSKOWITZ LAW FIRM, PLLC

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3250 Mary Street, Suite 202 Coconut Grove, FL 33133 By: /s/ David Boies

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Plaintiffs' Promoter Committee Members		
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barbara@moskowitz-law.com service@moskowitz-law.com	Alex.Brown@lanierlawfirm.com	

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November,	2023,	a tru	e and	correct	copy	of	the
foregoing was served via email to all counsel of record.							

By: /s/ Adam M. Moskowitz
Adam M. Moskowitz

#### **EXHIBIT A**

## I. <u>DEFINITIONS AND INSTRUCTIONS</u>

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Solomid," "You," or "Your" means Defendant Solomid Corp. and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 2. "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets,

magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 9. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 10. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 11. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

## II. <u>DEPOSITION SUBJECTS</u>

Pursuant to Rule 30(b)(6), Solomid shall designate and produce for deposition one or more of its officers, directors, managing agents, or other persons who are knowledgeable about and consent to testify on its behalf concerning the following subject matters:

- 1. All Documents and responses provided in response to Plaintiffs' requests for production and interrogatories.
- 2. Contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 3. All content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced or generated regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including content that may no longer be publicly available.
  - 4. Defendant's "targeting" of Florida audience and Florida's FTX consumers.
- 5. Your (or Your entities' affiliates, representatives, employees, or agents) promotion of FTT, YBAs or the FTX Platform.
- 6. All due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 7. Your sales and revenue generated from advertising and marketing in Florida and/or to Florida consumers.
  - 8. This lawsuit and/or the subject matter of this lawsuit.

MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT STEPHEN CURRY

Pursuant to Federal Rule of Civil Procedure 30, Plaintiffs' counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Stephen Curry

DATE:

TIME:

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Respectfully submitted on November \_\_\_\_\_, 2023.

#### Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

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By: /s/ David Boies

**David Boies** 

Alex Boies

Brooke Alexander

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Rachel.Lanier@lanierlawfirm.com Alex.Brown@lanierlawfirm.com

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By: /s/ Adam M. Moskowitz

Adam M. Moskowitz

MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT UDONIS HASLEM

Pursuant to Federal Rule of Civil Procedure 30, Plaintiffs' counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Udonis Haslem

DATE:

TIME:

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Respectfully submitted on November \_\_\_\_\_, 2023.

#### Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

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By: /s/ David Boies

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By: <u>/s/ Adam M. Moskowitz</u>
Adam M. Moskowitz

**MDL No. 3076** CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

## NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF **DEFENDANT GRAHAM STEPHAN**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiffs' counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Graham Stephan

DATE:

TIME:

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Respectfully submitted on November \_\_\_\_\_, 2023.

#### Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz.

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

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By: /s/ David Boies

David Boies Alex Boies

Brooke Alexander

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Barbara C. Lewis Florida Bar No. 118114

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By: /s/ Adam M. Moskowitz

Adam M. Moskowitz

# Composite Exhibit D

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY

(Part 2 of 3)

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA **MDL No. 3076** CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

## PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT DELTEC BANK AND TRUST COMPANY LIMITED.

Plaintiffs in the above-titled action, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, and Local Rule 26.1 of the United States District Court for the Southern District of Florida, request that Defendant Deltec Bank and Trust Company Limited, produce all documents, electronically stored information, and things that are in your possession, custody, or control requested in response to the following Requests for Production.

Respectfully submitted on November \_\_\_\_\_, 2023

## Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

THE MOSKOWITZ LAW FIRM, PLLC

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By: /s/ David Boies

**David Boies** 

Alex Boies

Brooke Alexander

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balexander@bsfllp.com

<u>Plaintiffs' Steering Committee Members</u>				
Joseph R. Saveri JOSEPH SAVERI LAW FIRM 601 California Street, Suite 1000 San Francisco, CA 94108 Telephone: (415) 500-6800 jsaveri@saverilawfirm.com	James R. Swanson Kerry J. Miller FISHMAN HAYGOOD LLP 201 St. Charles Avenue, 46th Floor New Orleans, LA 70170 Telephone: (504) 586-5252 jswanson@fishmanhaygood.com kmiller@fishmanhaygood.com			
Robert Lieff P.O. Drawer A Rutherford, CA 94573 rlieff@lieff.com				

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foregoing was served via email to all counsel of record.							

By: <u>/s/ Adam M. Moskowitz</u>
Adam M. Moskowitz

## **DEFINITIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Alameda" refers to Alameda Research LLC, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform), predecessors (including acquired entities or lines of business), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to Alameda herein.
- 2. "All/Each" and "And/Or" The terms "all", "each", "and" and "or" shall be construed as meaning either all or each as necessary, or conjunctively, to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 3. "Bankruptcy Actions" refers to Case No. 22-11068 (JTD) (Jointly Administered) pending in the United States Bankruptcy Court for the District of Delaware, and all bankruptcy proceedings filed in or after November 2022 on behalf of any of the FTX Entities and/or Alameda, and all adversary proceedings filed in connection therewith.
- 4. "Communication" means, without limitation, the transmittal of information in the form of facts, ideas, inquiries or otherwise, and whether orally or in writing, or by any other means or medium, including in person, electronically and/or by exchange or communication of any document, and includes, without limitation,

correspondence, memoranda, reports, presentations, face-to-face conversations, telephone conversations, text messages, instant messages, voice messages, negotiations, Agreements, inquiries, understandings, meetings, letters, notes, telegrams, mail, email, exchanges of recorded information, and postings of any type. The term "Communication" includes instances where one party disseminates information that the other party receives but does not respond to.

- 5. "Concerning" means relating to, referring to, describing, evidencing or constituting.
- 6. "Control person" means a person (as defined herein) in direct or indirect possession of the power to direct or cause the direction of the management and policies of a person (as defined herein), whether through the ownership of voting securities, by contract, or otherwise.
- 7. "Creditors" refers to all creditors in the Bankruptcy Actions, including, but not limited to, any committees of such creditors.
- 8. "Criminal Proceedings" refers to *United States v. Sam Bankman-Fried*, 1:22-CR-00673 pending in the Southern District of New York, and all criminal proceedings filed in or after November 2022 relating to the FTX Entities and/or Alameda. "Debtors" refers to all FTX Entities and/or Alameda that have filed petitions for bankruptcy protection in the Bankruptcy Actions. When referring to the FTX Entities and/or Alameda in the Requests, the Requests cover the periods both prior to, and after, their filing of any of the Bankruptcy Actions.
- 9. "Defendants" refers to any and all persons and/or entities named as defendants in any of the actions consolidated with, and into, the above-captioned action. For

purposes of these Requests, Defendants also includes Silvergate Capital Corporation (a/k/a Silvergate Bank) and Signature Bank.

- 10. "Document" refers to any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including, but not limited to, memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, text messages, instant messages (including, but not limited to, messages exchanged or sent using Slack, Teams, Discord, WhatsApp, Signal or any other similar application), transcripts, studies, analyses, tests, books, articles, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, questionnaires, surveys, charts, graphs, videos, photographs, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof. To the extent not already covered in the above definition, "Document" specifically includes any "writing", "recording", "photograph", "original" or "duplicate" as defined in Rule 1001 of the Federal Rules of Evidence, and/or "Electronically Stored Information" within the full scope of Rule 34 of the Federal Rules of Civil Procedure and/or as further defined as "ESI" herein.
- 11. "ESI" refers to Electronically Stored Information, as consistent with Rule 34 of the Federal Rules of Civil Procedure and includes all computer or electronically stored or generated data and information, including all attachments to and enclosures

within any requested item, and all drafts thereof. ESI includes all information and documents stored in any format and on any storage media, including, but not limited to: internal and external storage devices, hard drives, flash drives; and magnetic tape, whether fixed, portable or removable, and ESI further includes, but is not limited to, electronic spreadsheets, electronic presentation documents, e-mail messages, text messages, message platforms (including, but not limited to, Slack, Teams, Discord, WhatsApp, Telegram, Messenger, Signal or any other similar platforms where chat messages are exchanged); image files; sound files; material or information stored in a database or accessible from a database (including, but not limited to, Salesforce, Azure Cloud, or SQL databases). Responsive ESI may also include data on social media websites (e.g., LinkedIn, Facebook, Twitter, Instagram, and internal intranet social media). To the extent that a document or ESI contains tracked changes, comments, or other hidden text, the document or ESI should be imaged with that hidden text displayed. ESI also includes all associated metadata that is maintained or saved (including for example, author, recipient, file creation date, file modification date, etc.). Metadata preservation includes preserving parent-child relationships within a document family (the association between an attachment and its parents' document or between embedded documents and their parent). The entire document and attachments will be produced, except any attachments that may be withheld or redacted on the basis of any protection or privilege, work product, or other applicable protection. Best efforts shall be made to ensure that the parent-child relationships within a document family (the association between an attachment and its parent document) are preserved and that

- such responsive child document(s) should be consecutively produced immediately after the responsive parent document.
- 12. "FTT" refers to the digital token created by the FTX Entities.
- 13. "FTX Entities" refers to FTX Trading and/or FTX US.
- 14. "FTX Trading" refers to FTX Trading Ltd. d/b/a FTX Trading, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX Trading herein.
- 15. "FTX US" refers to West Realm Shires Services Inc. d/b/a FTX US, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX US herein.

- 16. "Liquidators" refers to all liquidators in the Bankruptcy Actions, including, but not limited to, the Joint Provisional Liquidators of FTX Digital Markets Ltd.
- 17. "Moonstone" refers to Farmington State Bank d/b/a Moonstone Bank, its predecessors, successors, subsidiaries, departments divisions, and/or affiliates, including, but not limited to, any banking entities affiliated with or held by Moonstone or in which Moonstone is a member or other owner, its international, national or local branches or offices. "Moonstone" shall also encompass Moonstone's current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of Moonstone, including but not limited to Jean Chalopin and Janvier Chalopin
- 18. "Person" or "People" refers to any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 19. "Trustee" refers to the U.S. Trustee assigned in the Bankruptcy Actions, including any of the Trustee's employee or agents, including any examiner appointed in the Bankruptcy Actions.
- 20. "You" or "Your" shall refer to Deltec Bank and Trust Company Limited ("Deltec"), its predecessors, successors, subsidiaries, departments divisions, and/or affiliates, including, but not limited to, any banking entities affiliated with or held by Deltec or in which Deltec is a member or other owner, its international, national or local branches or offices. "You" or "Your" shall also encompass Deltec's current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of Deltec, including but not limited to Jean Chalopin.

- 21. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- 22. Defined terms may or may not be capitalized or made uppercase; the given definitions apply even if a term in question is not capitalized or made uppercase. No waiver of a definition is implied by the use of a defined term in a non-capitalized or lowercase form.

## **INSTRUCTIONS**

- Production of documents and items requested herein shall be made at the offices of
  The Moskowitz Law Firm, P.O. Box 653409, Miami, FL 33133, or via electronic
  mail to the email addresses provided in the signature blocks of the attorneys serving
  these requests.
- 2. Unless otherwise stated in a request, the time period for which you must respond is January 1, 2019, through the date of production.
- 3. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds for the objection and respond to the Request to the extent it is not objectionable. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 4. These requests shall include all documents that are in your possession, custody or control or in the possession, custody or control of your present or former agents, representatives, or your attorneys, or any and all persons acting on your behalf, or your present or former agents, representatives, or attorneys.
- 5. For any document, or portion thereof, covered by a request that is withheld from production (or redacted in whole or in part) under claim of privilege, work product protection or any other basis, you shall provide the following information in the form of a privilege log:
  - a. the reasons and each and every fact supporting any withholding, and legal basis for withholding the document including sufficient facts for the Court to make a full determination as to whether the claim of privilege is valid;
  - b. the date such document was prepared;

- c. the names, employment positions and addresses of the author or preparers of such document;
- d. the names, employment positions, and the addresses of each person who received such document;
- e. the title, a brief description, and the subject matter of the document;
- f. the number of the request under which such document would be produced but for the objection; and
- g. description of the subject matter sufficient to determine whether the privilege is properly invoked (without revealing privileged information)
- 6. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;
  - e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
- 7. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 8. These requests should be deemed continuing such that if you, your directors, officers, employees, agents, representatives, or any person acting on your behalf, subsequently discover or obtain possession, custody, or control of any document or ESI previously requested or required to be produced, you should make a

- supplemental production of such document or ESI. Supplemental productions should be provided on a rolling basis as additional documents become available.
- 9. All documents that cannot be accurately represented in TIFF format (such as spreadsheets, computer slide presentations, audio files, video files, and other similar file types) shall be provided in native format. The parties will further meet and confer regarding appropriate format of production for databases and structured data (e.g., Microsoft Teams, Slack, Microsoft Access, Azure Cloud, Salesforce, Oracle, or other ephemeral messaging or proprietary database systems).
- 10. In responding to these Document Requests, you are to include Documents:
  - a. obtained from witnesses who gave information to any governmental agency or investigatory body;
  - b. that constitute, or refer or relate to, summaries of testimony or other statements in connection with any governmental agency or investigatory body proceeding or investigation; or
  - c. obtained on your behalf by counsel in preparing for testimony or interviews before any governmental agency or investigatory body.
- 11. All documents are to be produced in the following method if not produced in its

  Native Format:
  - a. Single page .TIFF images
  - b. Color.jpg (documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c. Document level Text Files containing extracted full text or OCR text
  - d. Electronic documents, e-mails, text or instant messages are to be processed and converted from the electronic format to single page tiff.

## **REQUESTS FOR PRODUCTION**

- All workpapers, communications and/or other documents concerning any of the
  accounts at Deltec that were opened or held in the name of or for the benefit of FTX
  Entities and/or Alameda, including, but not limited to, account lists, account
  opening documents, signature cards, and terms for the accounts..
- 2. All agreements between you and FTX Entities and/or Alameda, including but not limited to deposit agreements, wire transfer agreements, escrow agreements, custodial agreements, loan agreements, ACH agreements and authorization limits, account signatory agreements, and any other service or account management agreements.
- 3. All workpapers, communications and/or other documents concerning the expected account activity in the accounts at Deltec that were opened or held in the name of or for the benefit of FTX Entities and/or Alameda.
- 4. All workpapers, communications and/or other documents concerning the actual account activity in the accounts that were opened or held in the name of or for the benefit of FTX Entities and/or Alameda. This request specifically seeks but is not limited to: all account statements and summaries, records of deposits and withdrawals, wire transfer records, records of all other electronic funds transfers not constituting wire transfers, ACH records, records of account transfers between accounts opened or held in the name of or for the benefit of FTX Entities and/or Alameda at Deltec, and records of all account activity involving checks.
- 5. All workpapers, communications and/or other documents concerning any loans made or credit facilities (e.g. irrevocable standby letters of credit, or other letters of

credit) offered by you to or for the benefit of FTX Entities and/or Alameda including all documents and communications concerning:

- a. any loan evaluations,
- b. any claimed or actual security or collateral for such loans or credit facilities,
- c. any repayment of such loans or credit facilities that you sought or that any person made, and
- d. any claimed or actual use of the proceeds of such loans or credit facilities.

This includes a request for documents sufficient to identify your employees with responsibility for making, approving, and monitoring such loans or credit facilities.

- 6. All workpapers, communications and/or documents concerning concerning accounts personally held by directors, officers, managers, employees, representatives, or agents of FTX Entities and/or Alameda at Deltec, and any non-market or non-standard terms in those accounts, including but not limited to in respect of wire or electronic transfer processes, overdraft privileges, interest rates, and amortization.
- 7. Your policies, procedures, manuals, training materials, instructions, or forms related to Anti-Money Laundering ("AML"), Countering the Financing of Terrorism ("CFT"), verification of customer identity, Customer Due Diligence ("CDD"), Know Your Customer ("KYC"), Customer Risk Assessment or Risk Rating, Services Risk Assessment or Risk Rating, Enhanced CDD, on-going monitoring of customer relationships, electronic funds transfers, Suspicious Transaction Reports ("STR"), account-opening, risk management, record-keeping, and any similar such policies or procedures related to customer due diligence or

- account monitoring, as well as any heightened or enhanced versions of such policies or procedures. This request includes all versions of the foregoing documents that were proposed or put in place from 2019 to present.
- 8. All workpapers, communications and/or documents concerning your monitoring for suspicious or fraudulent activity, including but not limited to actual or potential alerts, cautions, flags, or alarms raised as a result of Your monitoring systems or the policies and procedures referenced in the previous request including enhanced versions of them and any reports (e.g., STRs, Currency Transaction Reports ("CTR"), Reports of International Transportation of Currency or Monetary Instruments ("CMIR"), large scale cash deposits, large scale transaction reports, low balance reports, balance fluctuation reports, reports of international funds transfers just below reporting threshold, or reports of atypical or uneconomical account activity or funds movement) made thereof, including any STR filed by you. This includes a request for documents sufficient to identify your employees who were involved in such procedures.
- 9. All workpapers, communications and/or documents concerning your review of, or inquiry or investigation into, any activity at any time in any accounts (including correspondent accounts) held or opened in the name of or for the benefit of FTX Entities and/or Alameda at Deltec. This includes a request for all documents and communications concerning any actual or potential alerts, cautions, flags, alarms, or red flags raised by such review, inquiry, or investigation, based upon:
  - a. possible or actual comingling of FTX Entities' depositors' funds or assets with FTX Entities' or Alameda's funds or assets,
  - b. the volume of transfers made into and out of such accounts,

- c. the individual or aggregate value of transfers made into and out of such accounts,
- d. the rationale or lack thereof for large transactions made into and out of such accounts,
- e. the frequency of transfers made into and out of such accounts,
- f. the round trip or circular nature of any of the transfers made into and out of such accounts,
- g. the geographic place of origin or destination of transfers made into and out of such accounts,
- h. the unusual, atypical, or uneconomic nature of transfers made into and out of such accounts,
- i. the repetitiveness of transfers made into and out of such accounts,
- i. the complexity of transfers made into and out of such accounts,
- k. the electronic nature of transfers made into and out of such accounts,
- 1. the purpose of transfers made into and out of such accounts,
- m. the identity of the transferees for transfers made out of such accounts, including whether the transferees (or the transferee accounts) were related to the transferors (or the transferor accounts),
- n. the identity of the transferees for transfers made out of such accounts, including whether the transferees appeared to take possession of funds or assets of depositors of FTX Entities,
- o. the identity of the transferees for transfers made out of such accounts, including whether the transferees were entities whose role as transferee had been disclosed to FTX Entities' depositors or you by FTX Entities or Alameda,
- p. any round number dollar amounts involved in the transfers made into or out of such accounts,
- q. any check pouching or cash letter activity in such accounts, or
- r. certain of these accounts being correspondent accounts.

This also includes a request for documents sufficient to identify your directors, officers, managers, employees, representatives, or other agents involved in such review, inquiry, or investigation.

- All workpapers, communications and/or documents concerning generated by or concerning any automated transaction monitoring systems maintained by you in response to activity at any time in any accounts (including correspondent accounts) held or opened in the name of or for the benefit of FTX Entities and/or Alameda, including documents sufficient to identify the codes, rules, thresholds or parameters that have been established for or used by the automated transaction monitoring systems that generated any alerts, cautions, flags, alarms or red flags that are responsive to the previous request. This includes a request for any and all documents necessary to understand all fields in documents produced in response to the previous request.
- 11. All workpapers, communications and/or documents, including investigation reports, concerning the automated transaction monitoring system alerts, cautions, flags, alarms, or red flags that are responsive to individual request number 8. This includes a request for documents sufficient to identify your employees involved in reviewing such alerts, cautions, flags, alarms, or red flags.
- 12. All your general policies, procedures, or operating manuals related to the services you provided to FTX Entities and/or Alameda, including but not limited to those relating to processing wire transfers or other electronic funds transfers, treasury services, any advisory services, trade financing services, banking and taking custody of cryptocurrencies, or trading, lending, and borrowing digital assets.

- 13. All workpapers, communications and/or documents reflecting or relating to any special policies, procedures, or manuals—whether official or unofficial—that you prepared and followed specifically for the FTX Entities' and/or Alameda accounts.
- 14. All workpapers, communications and/or documents concerning actual, requested, or proposed visits by you to FTX Entities and/or Alameda or by FTX Entities and/or Alameda to you.
- 15. All communications among or between Deltec's directors, officers, managers, employees, representatives and/or agents concerning accounts held in the name of FTX Entities and/or Alameda.
- 16. All work papers, documents, and/or communications concerning the FTX Entities and/or Alameda that you provided to or exchanged with:
  - a. Officers, directors, employees, and control persons of any of the FTX Entities and/or Alameda, including, but not limited to, Samuel Bankman-Fried, Gary Wang, Nishad Singh, Caroline Ellison, Brett Harrison, Sam Trabucco, Zach Dexter, Ryne Miller, Ryan Salame, Dan Friedberg, and Ramnik Arora;
  - b. any actual or prospective customer of any of the FTX Entities and/or any actual or prospective investor in any of the FTX Entities; or
  - c. any of the Defendants.
- 17. All workpapers, communications and/or documents concerning (a) whether FTX Entities and/or Alameda were registered (including any registration for purposes of the Investment Company Act of 1940, 15 U.S.C. § 80a, et seq.) or regulated (including by the SEC or FINRA), or (b) whether any applicable digital assets were registered or were subject to a Regulation D exemption from registration under the Securities Act of 1933, 15 U.S.C. § 77a, et seq.

- 18. All workpapers, communications and/or documents that you gathered or created before November 11, 2022 concerning:
  - a. any news articles or media coverage concerning FTX Entities and/or Alameda,
  - b. any litigation activity concerning FTX Entities and/or Alameda, or to which FTX Entities and/or Alameda was a party,
  - c. any proceedings at any administrative or regulatory body concerning FTX Entities and/or Alameda, or to which FTX Entities and/or Alameda was a party, including proceedings involving their employees or their customers, and the outcomes of any such proceedings, including sanctions, suspensions, fines, or censures,
  - d. any action that was taken or notice that was issued concerning FTX Entities and/or Alameda by a governmental, regulatory (including self-regulatory), oversight, administrative, criminal law, or enforcement body,
  - e. any proposed or final report issued or to be issued by any agency or government instrumentality (*e.g.*, an administrative or regulatory body or committee or subcommittee of either chamber of the U.S. Congress) concerning FTX Entities and/or Alameda,
  - f. allegations made by any claimed whistleblower against or concerning FTX Entities and/or Alameda,
  - g. any examination, inquiry, or review by a governmental or regulatory agency into or concerning FTX Entities and/or Alameda, and
  - h. all assertions that FTX Entities and/or Alameda were or might be engaged in or part of a fraudulent enterprise or Ponzi scheme, or were or might be engaged in or part of money-laundering activities for drug cartels or others.

This includes a request for all documents and communications concerning FTX Entities and/or Alameda that you conducted or attempted to conduct with persons litigating against them, including employees and customers (as referenced in subparagraphs (b) and (c) above), or with journalists (as referenced in subparagraph (a) above), or with whistleblowers (as referenced in subparagraph (f) above).

- 19. All workpapers, communications and/or documents concerning any recommendations, referrals, or references that you provided to or for FTX Entities and/or Alameda, including as addressed to all actual or prospective depositors generally speaking, business counterparties, regulators or other governmental bodies, specific persons, "To Whom It May Concern," or otherwise. This includes a request for all documents and communications whereby you vouch for FTX Entities and/or Alameda, including for FTX Entities and/or Alameda insiders or control persons.
- 20. All workpapers, communications and/or documents concerning the size and importance to You of your actual and prospective relationships with FTX Entities and/or Alameda, on an absolute basis and on a comparative basis to your relationships with other clients. This includes a request for all documents and communications concerning the size and importance to you of:
  - a. your actual and prospective revenue and profits from FTX Entities and/or Alameda, on an absolute basis and on a comparative basis to your revenues and profits from other clients, and
  - b. the balances in the accounts (including correspondent accounts) in the names of FTX Entities and/or Alameda, on an absolute basis and on a comparative basis to balances in the accounts in the names of other clients.

This also includes documentation showing total deposits at Deltec in the accounts in the name of FTX Entities and/or Alameda as well as total deposits overall at Deltec.

21. All workpapers, communications and/or documents concerning (a) threats, indications, or statements by FTX Entities and/or Alameda concerning the movement of some or all of their business, accounts, or balances from Deltec, (b)

- your contemplation that FTX Entities and/or Alameda might do so, and (c) actual or potential efforts by you to grow your business, relationships, accounts, or balances with FTX Entities and/or Alameda.
- 22. All workpapers, communications and/or documents concerning FTX Entities and/or Alameda, or any of their officers or directors or control persons actually or potentially being (a) designated as a "VIP customer," (b) designated as a "Politically Exposed Person," or (c) deemed to be in a "Special Category of Clients," as well as all documents and communications concerning any risk level assigned by you to FTX Entities and/or Alameda.
- 23. All correspondent banking agreements between you and any other bank relating to any services performed by you concerning the FTX Entities and/or Alameda.
- 24. All audit, due diligence, or other reports (whether prepared by you or others) concerning the FTX Entities and/or Alameda, and all documents and communications concerning such reports.
- 25. Any periodic or intermittent audits, reviews, evaluations, or reports, either prepared internally or by a third party, regarding your compliance with applicable Statutes and Regulations or internal policies and procedures regarding compliance with Statutes and Regulations or industry standards and best practices, including any KYC procedures, AML procedures, customer identification procedures, procedures and related guidelines pursuant to the Bahamas Banks and Trust Companies Regulation Act, the Central Bank of the Bahamas Act and the Bahamas Cooperative Credit Unions Act, AML risk management, client due diligence, or account-opening policies and procedures maintained by you. This includes a request for any

- audit or model validation reports regarding automated transaction monitoring systems maintained by you.
- 26. All workpapers, communications and/or documents concerning the source of funds deposited into any accounts (including correspondent accounts) opened or held in the name of or for the benefit of FTX Entities and/or Alameda, including all documents and communications concerning whether these funds originated from (a) the purchase of cryptocurrencies or tokens, or (b) other deposit products offered by FTX Entities and/or Alameda.
- 27. All workpapers, communications and/or documents concerning any services or products that FTX Entities and/or Alameda offered to customers or depositors or investors.
- 28. All workpapers, communications and/or documents concerning the formation and governance of any of the FTX Entities and/or Alameda, including, but not limited to, articles of incorporation, articles of formation, by-laws, membership agreements, partnership agreements, and certificates of good standing.
- 29. All workpapers, communications and/or documents concerning the ownership of, and relationship between, if any, each of the FTX Entities and/or Alameda and/or any joint ventures, affiliates, and/or subsidiaries, including, but not limited to, organizational charts.
- 30. All workpapers, communications and/or documents concerning your efforts to transform Bahamian laws, regulations, policies, or other guidance in order to make them more favorable for digital asset startups.

- 31. All workpapers, communications and/or documents concerning the accounts opened by Tether Limited Inc. ("Tether") at Deltec, Tether's expected banking activity at Deltec, Tether's actual banking activity at Deltec, including transactions by, to, or through the FTX entities, their insiders, or their affiliates.
- 32. All workpapers, communications and/or documents concerning the Crypto Bahamas cryptocurrency summit that you co-hosted with FTX in the Bahamas.
- 33. All workpapers, communications and/or documents concerning the \$50 million loan in favor of Deltec International Group from Norton Hall Ltd, and any other loans or other transactions between you and FTX, its insiders, or its affiliates.
- 34. All workpapers, communications and/or documents concerning Jean Chalopin's efforts to obtain funding, whether via investment or loan or any other form whatsoever, for Deltec or Moonstone from the FTX Entities and/or Alameda.
- 35. All workpapers, communications and/or documents concerning Alameda's \$11.5 million investment in Moonstone.
- 36. All workpapers, communications and/or documents between FTX Entities and/or Alameda and Jean Chalopin, whether in his personal capacity or representative capacity for Deltec and/or Moonstone, concerning the U.S. banking services that FTX Entities and/or Alameda requested or required.
- 37. To the extent not already produced in connection with any of the above requests, all work papers, communications, transcripts and/or recordings of any depositions, testimony, interviews, or statements you have provided concerning the FTX Entities and/or Alameda in any court, administrative proceedings, the Bankruptcy

- Actions, the Criminal Proceedings, or any other foreign or domestic forum or in response to any governmental agency request.
- 38. All workpapers, communications, documents or other discovery concerning your operations in the United States.
- 39. To the extent not produced in response to any of the foregoing requests, all documents and communications concerning any account at Deltec in the name of FTX Entities and/or Alameda. This includes a request for documents sufficient to identify your employees involved in (a) opening such accounts, (b) ongoing activity in such accounts, or (c) any review, inquiry, or investigation into the holders of such accounts or into any activity in such accounts.

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT MOONSTONE BANK

Plaintiffs in the above-titled action, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, and Local Rule 26.1 of the United States District Court for the Southern District of Florida, request that Defendant Farmington State Bank d/b/a Moonstone Bank, produce all documents, electronically stored information, and things that are in your possession, custody, or control requested in response to the following Requests for Production.

Respectfully submitted on November \_\_\_\_\_, 2023

#### **Plaintiffs' Co-Lead Counsel**

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

THE MOSKOWITZ LAW FIRM, PLLC

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By: /s/ David Boies

**David Boies** 

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Plaintiffs' Steering Committee Members					
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Robert Lieff P.O. Drawer A Rutherford, CA 94573 rlieff@lieff.com					

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November,	2023,	a t	rue	and	correct	copy	of the
foregoing was served via email to all counsel of record.							

By: /s/ Adam M. Moskowitz
Adam M. Moskowitz

## **DEFINITIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Alameda" refers to Alameda Research LLC, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform), predecessors (including acquired entities or lines of business), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to Alameda herein.
- 2. "All/Each" and "And/Or" The terms "all", "each", "and" and "or" shall be construed as meaning either all or each as necessary, or conjunctively, to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 3. "Bankruptcy Actions" refers to Case No. 22-11068 (JTD) (Jointly Administered) pending in the United States Bankruptcy Court for the District of Delaware, and all bankruptcy proceedings filed in or after November 2022 on behalf of any of the FTX Entities and/or Alameda, and all adversary proceedings filed in connection therewith.
- 4. "Communication" means, without limitation, the transmittal of information in the form of facts, ideas, inquiries or otherwise, and whether orally or in writing, or by any other means or medium, including in person, electronically and/or by exchange or communication of any document, and includes, without limitation,

correspondence, memoranda, reports, presentations, face-to-face conversations, telephone conversations, text messages, instant messages, voice messages, negotiations, Agreements, inquiries, understandings, meetings, letters, notes, telegrams, mail, email, exchanges of recorded information, and postings of any type. The term "Communication" includes instances where one party disseminates information that the other party receives but does not respond to.

- 5. "Concerning" means relating to, referring to, describing, evidencing or constituting.
- 6. "Control person" means a person (as defined herein) in direct or indirect possession of the power to direct or cause the direction of the management and policies of a person (as defined herein), whether through the ownership of voting securities, by contract, or otherwise.
- 7. "Creditors" refers to all creditors in the Bankruptcy Actions, including, but not limited to, any committees of such creditors.
- 8. "Criminal Proceedings" refers to *United States v. Sam Bankman-Fried*, 1:22-CR-00673 pending in the Southern District of New York, and all criminal proceedings filed in or after November 2022 relating to the FTX Entities and/or Alameda.
- 9. "Debtors" refers to all FTX Entities and/or Alameda that have filed petitions for bankruptcy protection in the Bankruptcy Actions. When referring to the FTX Entities and/or Alameda in the Requests, the Requests cover the periods both prior to, and after, their filing of any of the Bankruptcy Actions.
- 10. "Defendants" refers to any and all persons and/or entities named as defendants in any of the actions consolidated with, and into, the above-captioned action. For

- purposes of these Requests, Defendants also includes Silvergate Capital Corporation (a/k/a Silvergate Bank) and Signature Bank.
- 11. "Deltec" refers to Deltec Bank & Trust Company Ltd. including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform), predecessors (including acquired entities or lines of business), successors, directors, officers, employees, representatives and/or agents.
- 12. "Document" refers to any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including, but not limited to, memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, text messages, instant messages (including, but not limited to, messages exchanged or sent using Slack, Teams, Discord, WhatsApp, Signal or any other similar application), transcripts, studies, analyses, tests, books, articles, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, questionnaires, surveys, charts, graphs, videos, photographs, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof. To the extent not already covered in the above definition, "Document" specifically includes any "writing", "recording", "photograph", "original" or "duplicate" as defined in Rule 1001 of the Federal Rules of Evidence, and/or "Electronically Stored Information" within the

full scope of Rule 34 of the Federal Rules of Civil Procedure and/or as further defined as "ESI" herein.

13. "ESI" refers to Electronically Stored Information, as consistent with Rule 34 of the Federal Rules of Civil Procedure and includes all computer or electronically stored or generated data and information, including all attachments to and enclosures within any requested item, and all drafts thereof. ESI includes all information and documents stored in any format and on any storage media, including, but not limited to: internal and external storage devices, hard drives, flash drives; and magnetic tape, whether fixed, portable or removable, and ESI further includes, but is not limited to, electronic spreadsheets, electronic presentation documents, e-mail messages, text messages, message platforms (including, but not limited to, Slack, Teams, Discord, WhatsApp, Telegram, Messenger, Signal or any other similar platforms where chat messages are exchanged); image files; sound files; material or information stored in a database or accessible from a database (including, but not limited to, Salesforce, Azure Cloud, or SQL databases). Responsive ESI may also include data on social media websites (e.g., LinkedIn, Facebook, Twitter, Instagram, and internal intranet social media). To the extent that a document or ESI contains tracked changes, comments, or other hidden text, the document or ESI should be imaged with that hidden text displayed. ESI also includes all associated metadata that is maintained or saved (including for example, author, recipient, file creation date, file modification date, etc.). Metadata preservation includes preserving parent-child relationships within a document family (the association between an attachment and its parents' document or between embedded documents

and their parent). The entire document and attachments will be produced, except any attachments that may be withheld or redacted on the basis of any protection or privilege, work product, or other applicable protection. Best efforts shall be made to ensure that the parent-child relationships within a document family (the association between an attachment and its parent document) are preserved and that such responsive child document(s) should be consecutively produced immediately after the responsive parent document.

- 14. "FTT" refers to the digital token created by the FTX Entities.
- 15. "FTX Entities" refers to FTX Trading and/or FTX US.
- 16. "FTX Trading" refers to FTX Trading Ltd. d/b/a FTX Trading, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX Trading herein.
- 17. "FTX US" refers to West Realm Shires Services Inc. d/b/a FTX US, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers,

- employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX US herein.
- 18. "Liquidators" refers to all liquidators in the Bankruptcy Actions, including, but not limited to, the Joint Provisional Liquidators of FTX Digital Markets Ltd.
- 19. "Moonstone" refers to Farmington State Bank d/b/a Moonstone Bank, its predecessors, successors, subsidiaries, departments divisions, and/or affiliates, including, but not limited to, any banking entities affiliated with or held by Moonstone or in which Moonstone is a member or other owner, its international, national or local branches or offices. "Moonstone" shall also encompass Moonstone's current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of Moonstone, including but not limited to Jean Chalopin and Janvier Chalopin
- 20. "Person" or "People" refers to any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 21. "Trustee" refers to the U.S. Trustee assigned in the Bankruptcy Actions, including any of the Trustee's employee or agents, including any examiner appointed in the Bankruptcy Actions.
- 22. "You" or "Your" shall refer to Farmington State Bank d/b/a Moonstone Bank ("Moonstone"), its predecessors, successors, subsidiaries, departments divisions, and/or affiliates, including, but not limited to, any banking entities affiliated with or held by Moonstone or in which Deltec is a member or other owner, its

international, national or local branches or offices. "You" or "Your" shall also encompass Moonstone's current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of Moonstone, including but not limited to Jean Chalopin.

- 23. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- 24. Defined terms may or may not be capitalized or made uppercase; the given definitions apply even if a term in question is not capitalized or made uppercase.

  No waiver of a definition is implied by the use of a defined term in a non-capitalized or lowercase form.

## **INSTRUCTIONS**

- Production of documents and items requested herein shall be made at the offices of
  The Moskowitz Law Firm, P.O. Box 653409, Miami, FL 33133, or via electronic
  mail to the email addresses provided in the signature blocks of the attorneys serving
  these requests.
- 2. Unless otherwise stated in a request, the time period for which you must respond is January 1, 2019, through the date of production.
- 3. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds for the objection and respond to the Request to the extent it is not objectionable. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 4. These requests shall include all documents that are in your possession, custody or control or in the possession, custody or control of your present or former agents, representatives, or your attorneys, or any and all persons acting on your behalf, or your present or former agents, representatives, or attorneys.
- 5. For any document, or portion thereof, covered by a request that is withheld from production (or redacted in whole or in part) under claim of privilege, work product protection or any other basis, you shall provide the following information in the form of a privilege log:
  - a. the reasons and each and every fact supporting any withholding, and legal basis for withholding the document including sufficient facts for the Court to make a full determination as to whether the claim of privilege is valid;
  - b. the date such document was prepared;

- c. the names, employment positions and addresses of the author or preparers of such document;
- d. the names, employment positions, and the addresses of each person who received such document;
- e. the title, a brief description, and the subject matter of the document;
- f. the number of the request under which such document would be produced but for the objection; and
- g. description of the subject matter sufficient to determine whether the privilege is properly invoked (without revealing privileged information)
- 6. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained:
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;
  - e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
- 7. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 8. These requests should be deemed continuing such that if you, your directors, officers, employees, agents, representatives, or any person acting on your behalf, subsequently discover or obtain possession, custody, or control of any document or ESI previously requested or required to be produced, you should make a

- supplemental production of such document or ESI. Supplemental productions should be provided on a rolling basis as additional documents become available.
- 9. All documents that cannot be accurately represented in TIFF format (such as spreadsheets, computer slide presentations, audio files, video files, and other similar file types) shall be provided in native format. The parties will further meet and confer regarding appropriate format of production for databases and structured data (e.g., Microsoft Teams, Slack, Microsoft Access, Azure Cloud, Salesforce, Oracle, or other ephemeral messaging or proprietary database systems).
- 10. In responding to these Document Requests, you are to include Documents:
  - a. obtained from witnesses who gave information to any governmental agency or investigatory body;
  - b. that constitute, or refer or relate to, summaries of testimony or other statements in connection with any governmental agency or investigatory body proceeding or investigation; or
  - c. obtained on your behalf by counsel in preparing for testimony or interviews before any governmental agency or investigatory body.
- 11. All documents are to be produced in the following method if not produced in its

  Native Format:
  - a. Single page .TIFF images
  - b. Color.jpg (documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c. Document level Text Files containing extracted full text or OCR text
  - d. Electronic documents, e-mails, text or instant messages are to be processed and converted from the electronic format to single page tiff.

### **REQUESTS FOR PRODUCTION**

- 1. All workpapers, communications and/or other documents concerning any of the accounts at Moonstone that were opened or held in the name of or for the benefit of FTX Entities and/or Alameda, including, but not limited to, account lists, account opening documents, signature cards, and terms for the accounts.
- 2. All agreements between you and FTX Entities and/or Alameda, including but not limited to deposit agreements, wire transfer agreements, escrow agreements, custodial agreements, loan agreements, ACH agreements and authorization limits, account signatory agreements, and any other service or account management agreements.
- 3. All workpapers, communications and/or other documents describing the expected account activity in the accounts at Moonstone that were opened or held in the name of or for the benefit of FTX Entities and/or Alameda.
- 4. All workpapers, communications and/or other documentation reflecting the actual account activity in the accounts that were opened or held in the name of or for the benefit of FTX Entities and/or Alameda. This request specifically seeks but is not limited to: all account statements and summaries, records of deposits and withdrawals, wire transfer records, records of all other electronic funds transfers not constituting wire transfers, ACH records, records of account transfers between accounts opened or held in the name of or for the benefit of FTX Entities and/or Alameda at Moonstone, and records of all account activity involving checks.
- 5. All workpapers, communications and/or documents concerning any loans made or credit facilities (e.g. irrevocable standby letters of credit, or other letters of credit)

offered by you to or for the benefit of FTX Entities and/or Alameda including all documents and communications concerning:

- a. any loan evaluations,
- b. any claimed or actual security or collateral for such loans or credit facilities,
- c. any repayment of such loans or credit facilities that you sought or that any person made, and
- d. any claimed or actual use of the proceeds of such loans or credit facilities.

This includes a request for documents sufficient to identify your employees with responsibility for making, approving, and monitoring such loans or credit facilities.

- 6. All workpapers, communications and/or documents concerning accounts personally held by directors, officers, managers, employees, representatives, or agents of FTX Entities and/or Alameda at Moonstone, and any non-market or non-standard terms in those accounts, including but not limited to in respect of wire or electronic transfer processes, overdraft privileges, interest rates, and amortization.
- 7. Your policies, procedures, manuals, training materials, instructions, or forms related to Anti-Money Laundering ("AML"), Countering the Financing of Terrorism ("CFT"), verification of customer identity, Customer Due Diligence ("CDD"), Know Your Customer ("KYC"), Customer Risk Assessment or Risk Rating, Services Risk Assessment or Risk Rating, Enhanced CDD, on-going monitoring of customer relationships, electronic funds transfers, Suspicious Activity Reports ("SAR"), account-opening, risk management, record-keeping, and any similar such policies or procedures related to customer due diligence or account monitoring, as well as any heightened or enhanced versions of such policies or

- procedures. This request includes all versions of the foregoing documents that were proposed or put in place from 2019 to present.
- 8. All workpapers, communications and/or documents concerning your monitoring for suspicious or fraudulent activity, including but not limited to actual or potential alerts, cautions, flags, or alarms raised as a result of Your monitoring systems or the policies and procedures referenced in the previous request including enhanced versions of them and any reports (*e.g.*, SARs, Currency Transaction Reports ("CTR"), Reports of International Transportation of Currency or Monetary Instruments ("CMIR"), large scale cash deposits, large scale transaction reports, low balance reports, balance fluctuation reports, reports of international funds transfers just below reporting threshold, or reports of atypical or uneconomical account activity or funds movement) made thereof, including any SAR filed by you. This includes a request for documents sufficient to identify your employees who were involved in such procedures.
- 9. All workpapers, communications and/or documents concerning your review of, or inquiry or investigation into, any activity at any time in any accounts (including correspondent accounts) held or opened in the name of or for the benefit of FTX Entities and/or Alameda at Moonstone. This includes a request for all documents and communications concerning any actual or potential alerts, cautions, flags, alarms, or red flags raised by such review, inquiry, or investigation, based upon:
  - a. possible or actual comingling of FTX Entities' depositors' funds or assets with FTX Entities' or Alameda's funds or assets,
  - b. the volume of transfers made into and out of such accounts,

- c. the individual or aggregate value of transfers made into and out of such accounts,
- d. the rationale or lack thereof for large transactions made into and out of such accounts,
- e. the frequency of transfers made into and out of such accounts,
- f. the round trip or circular nature of any of the transfers made into and out of such accounts,
- g. the geographic place of origin or destination of transfers made into and out of such accounts,
- h. the unusual, atypical, or uneconomic nature of transfers made into and out of such accounts.
- i. the repetitiveness of transfers made into and out of such accounts,
- j. the complexity of transfers made into and out of such accounts,
- k. the electronic nature of transfers made into and out of such accounts,
- 1. the purpose of transfers made into and out of such accounts,
- m. the identity of the transferees for transfers made out of such accounts, including whether the transferees (or the transferee accounts) were related to the transferors (or the transferor accounts),
- n. the identity of the transferees for transfers made out of such accounts, including whether the transferees appeared to take possession of funds or assets of depositors of FTX Entities,
- o. the identity of the transferees for transfers made out of such accounts, including whether the transferees were entities whose role as transferee had been disclosed to FTX Entities' depositors or you by FTX Entities or Alameda,
- p. any round number dollar amounts involved in the transfers made into or out of such accounts,
- q. any check pouching or cash letter activity in such accounts, or
- r. certain of these accounts being correspondent accounts.

This also includes a request for documents sufficient to identify your directors, officers, managers, employees, representatives, or other agents involved in such review, inquiry, or investigation.

- All workpapers, communications and/or documents generated by or concerning any automated transaction monitoring systems maintained by you in response to activity at any time in any accounts (including correspondent accounts) held or opened in the name of or for the benefit of FTX Entities and/or Alameda, including documents sufficient to identify the codes, rules, thresholds or parameters that have been established for or used by the automated transaction monitoring systems that generated any alerts, cautions, flags, alarms or red flags that are responsive to the previous request. This includes a request for any and all documents necessary to understand all fields in documents produced in response to the previous request.
- 11. All workpapers, communications and/or documents, including investigation reports, concerning the automated transaction monitoring system alerts, cautions, flags, alarms, or red flags that are responsive to individual request number 8. This includes a request for documents sufficient to identify your employees involved in reviewing such alerts, cautions, flags, alarms, or red flags.
- 12. All your general policies, procedures, or operating manuals related to the services you provided to FTX Entities and/or Alameda, including but not limited to those relating to processing wire transfers or other electronic funds transfers, treasury services, any advisory services, trade financing services, banking and taking custody of cryptocurrencies, or trading, lending, and borrowing digital assets.

- 13. All workpapers, communications and/or documents concerning any special policies, procedures, or manuals—whether official or unofficial—that you prepared and followed specifically for the FTX Entities' and/or Alameda accounts.
- 14. All workpapers, communications and/or documents concerning actual, requested, or proposed visits by you to FTX Entities and/or Alameda or by FTX Entities and/or Alameda to you.
- 15. All communications among or between Moonstone's directors, officers, managers, employees, representatives and/or agents concerning accounts held in the name of FTX Entities and/or Alameda.
- 16. All documents, work papers, and/or communications concerning the FTX Entities and/or Alameda that you provided to or exchanged with:
  - a. Officers, directors, employees, and control persons of any of the FTX Entities and/or Alameda, including, but not limited to, Samuel Bankman-Fried, Gary Wang, Nishad Singh, Caroline Ellison, Constance Wang, Brett Harrison, Sam Trabucco, Zach Dexter, Ryne Miller, Ryan Salame, Dan Friedberg, and Ramnik Arora;
  - b. any actual or prospective customer of any of the FTX Entities and/or any actual or prospective investor in any of the FTX Entities; or
  - c. any of the Defendants.
- 17. All workpapers, communications and/or documents concerning (a) whether FTX Entities and/or Alameda were registered (including any registration for purposes of the Investment Company Act of 1940, 15 U.S.C. § 80a, et seq.) or regulated (including by the SEC or FINRA), or (b) whether any applicable digital assets were registered or were subject to a Regulation D exemption from registration under the Securities Act of 1933, 15 U.S.C. § 77a, et seq.

- 18. All workpapers, communications and/or documents that you gathered or created before November 11, 2022 concerning:
  - a. any news articles or media coverage concerning FTX Entities and/or Alameda,
  - b. any litigation activity concerning FTX Entities and/or Alameda, or to which FTX Entities and/or Alameda was a party,
  - c. any proceedings at any administrative or regulatory body concerning FTX Entities and/or Alameda, or to which FTX Entities and/or Alameda was a party, including proceedings involving their employees or their customers, and the outcomes of any such proceedings, including sanctions, suspensions, fines, or censures,
  - d. any action that was taken or notice that was issued concerning FTX Entities and/or Alameda by a governmental, regulatory (including self-regulatory), oversight, administrative, criminal law, or enforcement body,
  - e. any proposed or final report issued or to be issued by any agency or government instrumentality (*e.g.*, an administrative or regulatory body or committee or subcommittee of either chamber of the U.S. Congress) concerning FTX Entities and/or Alameda,
  - f. allegations made by any claimed whistleblower against or concerning FTX Entities and/or Alameda,
  - g. any examination, inquiry, or review by a governmental or regulatory agency into or concerning FTX Entities and/or Alameda, and
  - h. all assertions that FTX Entities and/or Alameda were or might be engaged in or part of a fraudulent enterprise or Ponzi scheme, or were or might be engaged in or part of money-laundering activities for drug cartels or others.

This includes a request for all documents and communications concerning FTX Entities and/or Alameda that you conducted or attempted to conduct with persons litigating against them, including employees and customers (as referenced in subparagraphs (b) and (c) above), or with journalists (as referenced in subparagraph (a) above), or with whistleblowers (as referenced in subparagraph (f) above).

- 19. All workpapers, communications and/or documents concerning any recommendations, referrals, or references that you provided to or for FTX Entities and/or Alameda, including as addressed to all actual or prospective depositors generally speaking, business counterparties, regulators or other governmental bodies, specific persons, "To Whom It May Concern," or otherwise. This includes a request for all documents and communications whereby you vouch for FTX Entities and/or Alameda, including for FTX Entities and/or Alameda insiders or control persons.
- 20. All workpapers, communications and/or documents concerning the size and importance to You of your actual and prospective relationships with FTX Entities and/or Alameda, on an absolute basis and on a comparative basis to your relationships with other clients. This includes a request for all documents and communications concerning the size and importance to you of:
  - a. your actual and prospective revenue and profits from FTX Entities and/or Alameda, on an absolute basis and on a comparative basis to your revenues and profits from other clients, and
  - b. the balances in the accounts (including correspondent accounts) in the names of FTX Entities and/or Alameda, on an absolute basis and on a comparative basis to balances in the accounts in the names of other clients.

This also includes documentation showing total deposits at Deltec in the accounts in the name of FTX Entities and/or Alameda as well as total deposits overall at Moonstone.

21. All workpapers, communications and/or documents concerning (a) threats, indications, or statements by FTX Entities and/or Alameda concerning the movement of some or all of their business, accounts, or balances from Moonstone,

- (b) your contemplation that FTX Entities and/or Alameda might do so, and (c) actual or potential efforts by you to grow your business, relationships, accounts, or balances with FTX Entities and/or Alameda.
- 22. All workpapers, communications and/or documents concerning FTX Entities and/or Alameda, or any of their officers or directors or control persons actually or potentially being (a) designated as a "VIP customer," (b) designated as a "Politically Exposed Person," or (c) deemed to be in a "Special Category of Clients," as well as all documents and communications concerning any risk level assigned by you to FTX Entities and/or Alameda.
- 23. All correspondent banking agreements between you and any other bank relating to any services performed by you concerning the FTX Entities and/or Alameda.
- 24. All audit, due diligence, or other reports (whether prepared by you or others) concerning the FTX Entities and/or Alameda, and all documents and communications concerning such reports.
- 25. Any periodic or intermittent audits, reviews, evaluations, or reports, either prepared internally or by a third party, regarding your compliance with applicable Statutes and Regulations or internal policies and procedures regarding compliance with Statutes and Regulations or industry standards and best practices, including any KYC procedures, AML procedures, customer identification procedures, procedures and related guidelines pursuant to the Bank Secrecy Act, Patriot Act, FinCEN, FFEIC Manual, AML risk management, client due diligence, or account-opening policies and procedures maintained by you. This includes a request for any audit or

- model validation reports regarding automated transaction monitoring systems maintained by you.
- All workpapers, communications and/or documents concerning the source of funds deposited into any accounts (including correspondent accounts) opened or held in the name of or for the benefit of FTX Entities and/or Alameda, including all documents and communications concerning whether these funds originated from (a) the purchase of cryptocurrencies or tokens, or (b) other deposit products offered by FTX Entities and/or Alameda.
- 27. All workpapers, communications and/or documents concerning any services or products that FTX Entities and/or Alameda offered to customers or depositors or investors.
- 28. All workpapers, communications and/or documents concerning the formation and governance of any of the FTX Entities and/or Alameda, including, but not limited to, articles of incorporation, articles of formation, by-laws, membership agreements, partnership agreements, and certificates of good standing.
- 29. All workpapers, communications and/or documents concerning the ownership of, and relationship between, if any, each of the FTX Entities and/or Alameda and/or any joint ventures, affiliates, and/or subsidiaries, including, but not limited to, organizational charts.
  - 30. All workpapers, communications and/or documents concerning the accounts opened by Tether Limited Inc. ("Tether") at Deltec, Tether's expected banking activity at Deltec, Tether's actual banking activity at Deltec, including transactions by, to, or through the FTX Entities, their insiders, or their affiliates.

- 31. All workpapers, communications and/or documents concerning your efforts to transform Bahamian laws, regulations, policies, or other guidance in order to make them more favorable for digital asset startups.
- 32. All workpapers, communications and/or documents concerning the \$50 million loan in favor of Deltec International Group from Norton Hall Ltd.
- 33. All workpapers, communications and/or documents concerning Jean Chalopin's efforts to obtain funding, whether via investment or loan or any other form whatsoever, for Deltec or Moonstone from the FTX Entities and/or Alameda.
- 34. All workpapers, communications and/or documents concerning Alameda's \$11.5 million investment in Moonstone.
- 35. All workpapers, communications and/or documents between FTX Entities and/or Alameda and Jean Chalopin, whether in his personal capacity or representative capacity for Deltec and/or Moonstone, concerning the U.S. banking services that FTX Entities and/or Alameda requested or required.
- 36. To the extent not already produced in connection with any of the above requests, all work papers, communications, transcripts and/or recordings of any depositions, testimony, interviews, or statements you have provided concerning the FTX Entities and/or Alameda in any court, administrative proceedings, the Bankruptcy Actions, the Criminal Proceedings, or any other foreign or domestic forum or in response to any governmental agency request.
- 37. All workpapers, communications, documents, other discovery concerning your operations in the United States.

38. To the extent not produced in response to any of the foregoing requests, all documents and communications concerning any account at Moonstone in the name of FTX Entities and/or Alameda. This includes a request for documents sufficient to identify your employees involved in (a) opening such accounts, (b) ongoing activity in such accounts, or (c) any review, inquiry, or investigation into the holders of such accounts or into any activity in such accounts.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA **MDL No. 3076** CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO **DEFENDANT JEAN CHALOPIN**

Plaintiffs in the above-titled action, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, and Local Rule 26.1 of the United States District Court for the Southern District of Florida, request that Defendant Jean Chalopin, produce all documents, electronically stored information, and things that are in your possession, custody, or control requested in response to the following Requests for Production.

Respectfully submitted on November \_\_\_\_\_, 2023

### Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

THE MOSKOWITZ LAW FIRM, PLLC

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By: /s/ David Boies

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Plaintiffs' Steering Committee Members				
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Robert Lieff P.O. Drawer A Rutherford, CA 94573 rlieff@lieff.com				

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November,	2023,	a true	and	correct	copy	of	the
foregoing was served via email to all counsel of record.							

By: <u>/s/ Adam M. Moskowitz</u>
Adam M. Moskowitz

### **DEFINITIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Alameda" refers to Alameda Research LLC, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform), predecessors (including acquired entities or lines of business), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to Alameda herein.
- 2. "All/Each" and "And/Or" The terms "all", "each", "and" and "or" shall be construed as meaning either all or each as necessary, or conjunctively, to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 3. "Bankruptcy Actions" refers to Case No. 22-11068 (JTD) (Jointly Administered) pending in the United States Bankruptcy Court for the District of Delaware, and all bankruptcy proceedings filed in or after November 2022 on behalf of any of the FTX Entities and/or Alameda, and all adversary proceedings filed in connection therewith.
- 4. "Communication" means, without limitation, the transmittal of information in the form of facts, ideas, inquiries or otherwise, and whether orally or in writing, or by any other means or medium, including in person, electronically and/or by exchange or communication of any document, and includes, without limitation,

correspondence, memoranda, reports, presentations, face-to-face conversations, telephone conversations, text messages, instant messages, voice messages, negotiations, Agreements, inquiries, understandings, meetings, letters, notes, telegrams, mail, email, exchanges of recorded information, and postings of any type. The term "Communication" includes instances where one party disseminates information that the other party receives but does not respond to.

- 5. "Concerning" means relating to, referring to, describing, evidencing or constituting.
- 6. "Control person" means a person (as defined herein) in direct or indirect possession of the power to direct or cause the direction of the management and policies of a person (as defined herein), whether through the ownership of voting securities, by contract, or otherwise.
- 7. "Creditors" refers to all creditors in the Bankruptcy Actions, including, but not limited to, any committees of such creditors.
- 8. "Criminal Proceedings" refers to *United States v. Sam Bankman-Fried*, 1:22-CR-00673 pending in the Southern District of New York, and all criminal proceedings filed in or after November 2022 relating to the FTX Entities and/or Alameda.
- 9. "Debtors" refers to all FTX Entities and/or Alameda that have filed petitions for bankruptcy protection in the Bankruptcy Actions. When referring to the FTX Entities and/or Alameda in the Requests, the Requests cover the periods both prior to, and after, their filing of any of the Bankruptcy Actions.
- 10. "Defendants" refers to any and all persons and/or entities named as defendants in any of the actions consolidated with, and into, the above-captioned action. For

- purposes of these Requests, Defendants also includes Silvergate Capital Corporation (a/k/a Silvergate Bank) and Signature Bank.
- 11. Deltec" refers to Deltec Bank & Trust Company Ltd. including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform), predecessors (including acquired entities or lines of business), successors, directors, officers, employees, representatives and/or agents.
- 12. "Document" refers to any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including, but not limited to, memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, text messages, instant messages (including, but not limited to, messages exchanged or sent using Slack, Teams, Discord, WhatsApp, Signal or any other similar application), transcripts, studies, analyses, tests, books, articles, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, questionnaires, surveys, charts, graphs, videos, photographs, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof. To the extent not already covered in the above definition, "Document" specifically includes any "writing", "recording", "photograph", "original" or "duplicate" as defined in Rule 1001 of the Federal Rules of Evidence, and/or "Electronically Stored Information" within the

full scope of Rule 34 of the Federal Rules of Civil Procedure and/or as further defined as "ESI" herein.

13. "ESI" refers to Electronically Stored Information, as consistent with Rule 34 of the Federal Rules of Civil Procedure and includes all computer or electronically stored or generated data and information, including all attachments to and enclosures within any requested item, and all drafts thereof. ESI includes all information and documents stored in any format and on any storage media, including, but not limited to: internal and external storage devices, hard drives, flash drives; and magnetic tape, whether fixed, portable or removable, and ESI further includes, but is not limited to, electronic spreadsheets, electronic presentation documents, e-mail messages, text messages, message platforms (including, but not limited to, Slack, Teams, Discord, WhatsApp, Telegram, Messenger, Signal or any other similar platforms where chat messages are exchanged); image files; sound files; material or information stored in a database or accessible from a database (including, but not limited to, Salesforce, Azure Cloud, or SQL databases). Responsive ESI may also include data on social media websites (e.g., LinkedIn, Facebook, Twitter, Instagram, and internal intranet social media). To the extent that a document or ESI contains tracked changes, comments, or other hidden text, the document or ESI should be imaged with that hidden text displayed. ESI also includes all associated metadata that is maintained or saved (including for example, author, recipient, file creation date, file modification date, etc.). Metadata preservation includes preserving parent-child relationships within a document family (the association between an attachment and its parents' document or between embedded documents

and their parent). The entire document and attachments will be produced, except any attachments that may be withheld or redacted on the basis of any protection or privilege, work product, or other applicable protection. Best efforts shall be made to ensure that the parent-child relationships within a document family (the association between an attachment and its parent document) are preserved and that such responsive child document(s) should be consecutively produced immediately after the responsive parent document.

- 14. "FTT" refers to the digital token created by the FTX Entities.
- 15. "FTX Entities" refers to FTX Trading and/or FTX US.
- 16. "FTX Trading" refers to FTX Trading Ltd. d/b/a FTX Trading, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX Trading herein.
- 17. "FTX US" refers to West Realm Shires Services Inc. d/b/a FTX US, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers,

- employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX US herein.
- 18. "Liquidators" refers to all liquidators in the Bankruptcy Actions, including, but not limited to, the Joint Provisional Liquidators of FTX Digital Markets Ltd.
- 19. "Moonstone" refers to Farmington State Bank d/b/a Moonstone Bank, its predecessors, successors, subsidiaries, departments divisions, and/or affiliates, including, but not limited to, any banking entities affiliated with or held by Moonstone or in which Moonstone is a member or other owner, its international, national or local branches or offices. "Moonstone" shall also encompass Moonstone's current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of Moonstone, including but not limited to Jean Chalopin and Janvier Chalopin
- 20. "Person" or "People" refers to any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 21. "Trustee" refers to the U.S. Trustee assigned in the Bankruptcy Actions, including any of the Trustee's employee or agents, including any examiner appointed in the Bankruptcy Actions.
- 22. "You" or "Your" shall refer to Deltec Bank and Trust Company Limited ("Deltec"), its predecessors, successors, subsidiaries, departments divisions, and/or affiliates, including, but not limited to, any banking entities affiliated with or held by Deltec or in which Deltec is a member or other owner, its international, national or local

branches or offices. "You" or "Your" shall also encompass Deltec's current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of Deltec, including but not limited to Jean Chalopin.

- 23. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- 24. Defined terms may or may not be capitalized or made uppercase; the given definitions apply even if a term in question is not capitalized or made uppercase. No waiver of a definition is implied by the use of a defined term in a non-capitalized or lowercase form.

### **INSTRUCTIONS**

- Production of documents and items requested herein shall be made at the offices of
  The Moskowitz Law Firm, P.O. Box 653409, Miami, FL 33133, or via electronic
  mail to the email addresses provided in the signature blocks of the attorneys serving
  these requests.
- 2. Unless otherwise stated in a request, the time period for which you must respond is January 1, 2019, through the date of production.
- 3. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds for the objection and respond to the Request to the extent it is not objectionable. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 4. These requests shall include all documents that are in your possession, custody or control or in the possession, custody or control of your present or former agents, representatives, or your attorneys, or any and all persons acting on your behalf, or your present or former agents, representatives, or attorneys.
- 5. For any document, or portion thereof, covered by a request that is withheld from production (or redacted in whole or in part) under claim of privilege, work product protection or any other basis, you shall provide the following information in the form of a privilege log:
  - a. the reasons and each and every fact supporting any withholding, and legal basis for withholding the document including sufficient facts for the Court to make a full determination as to whether the claim of privilege is valid;
  - b. the date such document was prepared;

- c. the names, employment positions and addresses of the author or preparers of such document;
- d. the names, employment positions, and the addresses of each person who received such document;
- e. the title, a brief description, and the subject matter of the document;
- f. the number of the request under which such document would be produced but for the objection; and
- g. description of the subject matter sufficient to determine whether the privilege is properly invoked (without revealing privileged information)
- 6. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained:
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;
  - e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
- 7. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 8. These requests should be deemed continuing such that if you, your directors, officers, employees, agents, representatives, or any person acting on your behalf, subsequently discover or obtain possession, custody, or control of any document or ESI previously requested or required to be produced, you should make a

- supplemental production of such document or ESI. Supplemental productions should be provided on a rolling basis as additional documents become available.
- 9. All documents that cannot be accurately represented in TIFF format (such as spreadsheets, computer slide presentations, audio files, video files, and other similar file types) shall be provided in native format. The parties will further meet and confer regarding appropriate format of production for databases and structured data (e.g., Microsoft Teams, Slack, Microsoft Access, Azure Cloud, Salesforce, Oracle, or other ephemeral messaging or proprietary database systems).
- 10. In responding to these Document Requests, you are to include Documents:
  - a. obtained from witnesses who gave information to any governmental agency or investigatory body;
  - b. that constitute, or refer or relate to, summaries of testimony or other statements in connection with any governmental agency or investigatory body proceeding or investigation; or
  - c. obtained on your behalf by counsel in preparing for testimony or interviews before any governmental agency or investigatory body.
- 11. All documents are to be produced in the following method if not produced in its

  Native Format:
  - a. Single page .TIFF images
  - b. Color.jpg (documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c. Document level Text Files containing extracted full text or OCR text
  - d. Electronic documents, e-mails, text or instant messages are to be processed and converted from the electronic format to single page tiff.

### **REQUESTS FOR PRODUCTION**

- Work papers, communications, and/or other documents prepared by you and/or delivered to, exchanged with, or received from the FTX Entities and/or Alameda, including, but not limited to Samuel Bankman-Fried, Gary Wang, Nishad Singh, Caroline Ellison, Constance Wang, Brett Harrison, Sam Trabucco, Zach Dexter, Ryne Miller, Ryan Salame, Dan Friedberg, and Ramnik Arora.
- Work papers, communications, and/or other documents prepared by you and/or delivered to, exchanged with, or received from the other Defendants concerning the FTX Entities and/or Alameda.
- 3. Work papers, communications, and/or other documents concerning your efforts to transform Bahamian laws, regulations, policies, or other guidance in order to make them more favorable for digital asset startups, including, but not limited to, correspondence with Ryan Pinder.
- 4. Work papers, communications, and/or other documents concerning the Crypto Bahamas cryptocurrency summit that you co-hosted with FTX in the Bahamas.
- 5. Work papers, communications, and/or other documents prepared by you and/or delivered to, exchanged with, or received from the other Defendants concerning the cryptocurrency summit that you co-hosted with FTX in the Bahamas.
- 6. Work papers, communications, and/or other documents concerning Deltec's efforts to raise debt capital in New York.
- 7. Work papers, communications, and/or other documents concerning the \$50 million loan in favor of Deltec International Group from Norton Hall Ltd.

- 8. Workpapers, communications and/or documents concerning the accounts opened by Tether Limited Inc. ("Tether") at Deltec, Tether's expected banking activity at Deltec, Tether's actual banking activity at Deltec, including transactions by, to, or through the FTX entities, their insiders, or their affiliates.
- 9. Work papers, communications, and/or other documents concerning your efforts to obtain funding, whether via investment or loan or any other form whatsoever, for Deltec or Moonstone from the FTX Entities and/or Alameda.
- 10. Work papers, communications, and/or other documents concerning Alameda's\$11.5 million investment in Moonstone.
- 11. Work papers, communications, and/or other documents between FTX Entities and/or Alameda and you, whether in your personal capacity or representative capacity for Deltec and/or Moonstone, concerning the U.S. banking services that FTX Entities and/or Alameda requested or required.
- 12. Work papers, communications, and/or other documents concerning Moonstone's application for and membership in the Federal Reserve.
- 13. Work papers, communications, agreements and/or other documents concerning ownership, purchase, and/or sale of the Albany condominium complex, by or to you, Joe Lewis, Sam Bankman-Fried, FTX and/or Alameda.
- 14. All documents, communications, or other discovery concerning your conducting business, or seeking financing or other investments, in the United States.
- 15. To the extent not produced in response to any of the foregoing requests, all documents and communications concerning any account at Deltec or Moonstone in the name of FTX Entities and/or Alameda. This includes a request for documents

- sufficient to identify your employees involved in (a) opening such accounts, (b) ongoing activity in such accounts, or (c) any review, inquiry, or investigation into the holders of such accounts or into any activity in such accounts.
- 16. To the extent not already produced in connection with any of the above requests, all work papers, communications, transcripts and/or recordings of any depositions, testimony, interviews, or statements you have provided concerning the FTX Entities and/or Alameda in any court, administrative proceedings, the Bankruptcy Actions, the Criminal Proceedings, or any other foreign or domestic forum or in response to any governmental agency request.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA **MDL No. 3076** CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# PLAINTIFFS' FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT SINO GLOBAL CAPITAL LIMITED

Plaintiffs in the above-titled action, pursuant to Rules 26, 33 34, and 36 of the Federal Rules of Civil Procedure, and Local Rule 26.1 of the United States District Court for the Southern District of Florida, request that Defendant Sino Global Capital Limited respond to the enclosed Requests for Admission and Interrogatories and produce all documents, electronically stored information, and things that are in your possession, custody, or control requested in response to the following Requests for Production.

Respectfully submitted on November \_\_\_\_\_, 2023

#### Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

THE MOSKOWITZ LAW FIRM, PLLC

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By: /s/ David Boies

David Boies

Alex Boies

Brooke Alexander

**BOIES SCHILLER FLEXNER LLP** 

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Armonk, NY 10504

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Plaintiffs' Steering Committee Members				
Joseph R. Saveri JOSEPH SAVERI LAW FIRM 601 California Street, Suite 1000 San Francisco, CA 94108 Telephone: (415) 500-6800 jsaveri@saverilawfirm.com	James R. Swanson Kerry J. Miller FISHMAN HAYGOOD LLP 201 St. Charles Avenue, 46th Floor New Orleans, LA 70170 Telephone: (504) 586-5252 jswanson@fishmanhaygood.com kmiller@fishmanhaygood.com			
Robert Lieff P.O. Drawer A Rutherford, CA 94573 rlieff@lieff.com				

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November,	2023,	a true	and	correct	copy	of	the
foregoing was served via email to all counsel of record.							

By: <u>/s/ Adam M. Moskowitz</u>
Adam M. Moskowitz

### **DEFINITIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Alameda" refers to Alameda Research LLC, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform), predecessors (including acquired entities or lines of business), and/or successors, which includes but is not limited to Alameda Ventures Ltd., and current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of the foregoing. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to Alameda herein.
- 2. "All/Each" and "And/Or" The terms "all", "each", "and" and "or" shall be construed as meaning either all or each as necessary, or conjunctively, to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 3. "Bankruptcy Actions" refers to Case No. 22-11068 (JTD) (Jointly Administered) pending in the United States Bankruptcy Court for the District of Delaware, and all bankruptcy proceedings filed in or after November 2022 on behalf of any of the FTX Entities and/or Alameda, and all adversary proceedings filed in connection therewith.
- 4. "Communication" means, without limitation, the transmittal of information in the form of facts, ideas, inquiries or otherwise, and whether orally or in writing, or by

any other means or medium, including in person, electronically and/or by exchange or communication of any document, and includes, without limitation, correspondence, memoranda, reports, presentations, face-to-face conversations, telephone conversations, text messages, instant messages, voice messages, negotiations, Agreements, inquiries, understandings, meetings, letters, notes, telegrams, mail, email, exchanges of recorded information, and postings of any type. The term "Communication" includes instances where one party disseminates information that the other party receives but does not respond to.

- 5. "Concerning" means relating to, referring to, describing, evidencing or constituting.
- 6. "Control person" means a person (as defined herein) in direct or indirect possession of the power to direct or cause the direction of the management and policies of a person (as defined herein), whether through the ownership of voting securities, by contract, or otherwise.
- 7. "Creditors" refers to all creditors in the Bankruptcy Actions, including, but not limited to, any committees of such creditors.
- 8. "Criminal Proceedings" refers to *United States v. Sam Bankman-Fried*, 1:22-CR-00673 pending in the Southern District of New York, and all criminal proceedings filed in or after November 2022 relating to the FTX Entities and/or Alameda.
- 9. "Debtors" refers to all FTX Entities and/or Alameda that have filed petitions for bankruptcy protection in the Bankruptcy Actions. When referring to the FTX Entities and/or Alameda in the Requests, the Requests cover the periods both prior to, and after, their filing of any of the Bankruptcy Actions.

- 10. "Defendants" refers to any and all persons and/or entities named as defendants in any of the actions consolidated with, and into, the above-captioned action. For purposes of these Requests, Defendants also includes Silvergate Capital Corporation (a/k/a Silvergate Bank) and Signature Bank.
- 11. "Document" refers to any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including, but not limited to, memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, text messages, instant messages (including, but not limited to, messages exchanged or sent using Slack, Teams, Discord, WhatsApp, Signal or any other similar application), transcripts, studies, analyses, tests, books, articles, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, questionnaires, surveys, charts, graphs, videos, photographs, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof. To the extent not already covered in the above definition, "Document" specifically includes any "writing", "recording", "photograph", "original" or "duplicate" as defined in Rule 1001 of the Federal Rules of Evidence, and/or "Electronically Stored Information" within the full scope of Rule 34 of the Federal Rules of Civil Procedure and/or as further defined as "ESI" herein.

12.

"ESI" refers to Electronically Stored Information, as consistent with Rule 34 of the Federal Rules of Civil Procedure and includes all computer or electronically stored or generated data and information, including all attachments to and enclosures within any requested item, and all drafts thereof. ESI includes all information and documents stored in any format and on any storage media, including, but not limited to: internal and external storage devices, hard drives, flash drives; and magnetic tape, whether fixed, portable or removable, and ESI further includes, but is not limited to, electronic spreadsheets, electronic presentation documents, e-mail messages, text messages, message platforms (including, but not limited to, Slack, Teams, Discord, WhatsApp, Telegram, Messenger, Signal or any other similar platforms where chat messages are exchanged); image files; sound files; material or information stored in a database or accessible from a database (including, but not limited to, Salesforce, Azure Cloud, or SQL databases). Responsive ESI may also include data on social media websites (e.g., LinkedIn, Facebook, Twitter, Instagram, and internal intranet social media). To the extent that a document or ESI contains tracked changes, comments, or other hidden text, the document or ESI should be imaged with that hidden text displayed. ESI also includes all associated metadata that is maintained or saved (including for example, author, recipient, file creation date, file modification date, etc.). Metadata preservation includes preserving parent-child relationships within a document family (the association between an attachment and its parents' document or between embedded documents and their parent). The entire document and attachments will be produced, except any attachments that may be withheld or redacted on the basis of any protection or privilege, work product, or other applicable protection. Best efforts shall be made to ensure that the parent-child relationships within a document family (the association between an attachment and its parent document) are preserved and that such responsive child document(s) should be consecutively produced immediately after the responsive parent document.

- 13. "FTT" refers to the digital token created by the FTX Entities.
- 14. "FTX Entities" refers to FTX Trading and/or FTX US.
- 15. "FTX Trading" refers to FTX Trading Ltd. d/b/a FTX Trading, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX Trading herein.
- 16. "FTX US" refers to West Realm Shires Services Inc. d/b/a FTX US, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel

- Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX US herein.
- 17. "Liquidators" refers to all liquidators in the Bankruptcy Actions, including, but not limited to, the Joint Provisional Liquidators of FTX Digital Markets Ltd.
- 18. "Person" or "People" refers to any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 19. "Trustee" refers to the U.S. Trustee assigned in the Bankruptcy Actions, including any of the Trustee's employee or agents, including any examiner appointed in the Bankruptcy Actions.
- 20. "Work Papers" refers to all documents, including drafts, organizational charts, spreadsheets, and other data, prepared, maintained and/or obtained by you concerning the planning, procedures performed, information obtained, and conclusions reached in connection with any investment, or potential investment, in any of the FTX Entities and/or Alameda. "Work Papers" also includes documents that you have in your possession, custody or control that were prepared, maintained and/or obtained by you concerning the FTX Entities and/or Alameda that were prepared or obtained from any of the FTX Entities and/or Alameda or any other persons or entities investing in or providing accounting, auditing, or consulting services to the FTX Entities and/or Alameda.
- 21. "You" or "Your" shall refer to the Defendant responding to these requests, its predecessors, successors, subsidiaries, departments divisions, and/or affiliates, including, but not limited to, any funds or other investment vehicles held by the Defendant responding or in which the Defendant responding is a member or other

owner, its international, national or local branches or offices, including, but not limited to Sino Global Capital Holdings, LLC, Ryze Labs, and current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of the responding Defendant.

- 22. "Sino Global Capital Management" shall refer to Sino Global Capital Management LLC, its predecessors, successors, subsidiaries, departments divisions, and/or affiliates, any international, national or local branches or offices, and current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on its behalf.
  - 23. "Liquid Value" shall refer to the fund(s) in which you were co-general partners with FTX Entities and/or Alameda and any funds related in any way thereto. It shall refer to Liquid Value Fund I LP; Liquid Value GP Limited; Liquid Value US Fund I LP; Liquid Value Offshore Feeder Fund I LP; and each of the foregoing's predecessors, successors, subsidiaries, departments divisions, and/or affiliates, any international, national or local branches or offices, and current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of Liquid Value.
- 24. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- 25. Defined terms may or may not be capitalized or made uppercase; the given definitions apply even if a term in question is not capitalized or made uppercase.

No waiver of a definition is implied by the use of a defined term in a non-capitalized or lowercase form.

#### **INSTRUCTIONS**

- Production of documents and items requested herein shall be made at the offices of
  The Moskowitz Law Firm, P.O. Box 653409, Miami, FL 33133, or via electronic
  mail to the email addresses provided in the signature blocks of the attorneys serving
  these requests.
- 2. Unless otherwise stated in a request, the time period for which you must respond is January 1, 2019, through the date of production.
- 3. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds for the objection and respond to the Request to the extent it is not objectionable. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 4. These requests shall include all documents that are in your possession, custody or control or in the possession, custody or control of your present or former agents, representatives, or your attorneys, or any and all persons acting on your behalf, or your present or former agents, representatives, or attorneys.
- 5. For any document, or portion thereof, covered by a request that is withheld from production (or redacted in whole or in part) under claim of privilege, work product protection or any other basis, you shall provide the following information in the form of a privilege log:
  - a. the reasons and each and every fact supporting any withholding, and legal basis for withholding the document including sufficient facts for the Court to make a full determination as to whether the claim of privilege is valid;

- b. the date such document was prepared;
- the names, employment positions and addresses of the author or preparers
   of such document;
- d. the names, employment positions, and the addresses of each person who received such document;
- e. the title, a brief description, and the subject matter of the document;
- f. the number of the request under which such document would be produced but for the objection; and
- g. description of the subject matter sufficient to determine whether the privilege is properly invoked (without revealing privileged information)
- 6. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;
  - e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
- 7. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.

- 8. These requests should be deemed continuing such that if you, your directors, officers, employees, agents, representatives, or any person acting on your behalf, subsequently discover or obtain possession, custody, or control of any document or ESI previously requested or required to be produced, you should make a supplemental production of such document or ESI. Supplemental productions should be provided on a rolling basis as additional documents become available.
- 9. All documents that cannot be accurately represented in TIFF format (such as spreadsheets, computer slide presentations, audio files, video files, and other similar file types) shall be provided in native format. The parties will further meet and confer regarding appropriate format of production for databases and structured data (e.g., Microsoft Teams, Slack, Microsoft Access, Azure Cloud, Salesforce, Oracle, or other ephemeral messaging or proprietary database systems).
- 10. In responding to these Document Requests, you are to include Documents:
  - a. obtained from witnesses who gave information to any governmental agency or investigatory body;
  - b. that constitute, or refer or relate to, summaries of testimony or other statements in connection with any governmental agency or investigatory body proceeding or investigation; or
  - obtained on your behalf by counsel in preparing for testimony or interviews
     before any governmental agency or investigatory body.
- 11. All documents are to be produced in the following method if not produced in its Native Format:
  - a. Single page .TIFF images

- b. Color.jpg (documents wherein reflection of importance relies on color, shall
   be produced in .jpg format)
- c. Document level Text Files containing extracted full text or OCR text
- d. Electronic documents, e-mails, text or instant messages are to be processed and converted from the electronic format to single page tiff.

# **REQUESTS FOR ADMISSION**

# **REQUEST FOR ADMISSION NO. 1:**

Please admit that you are or were registered to conduct business in Florida.

#### **REQUEST FOR ADMISSION NO. 2:**

Please admit that Sino Global Capital Management is or was registered to conduct business in Florida.

# **REQUEST FOR ADMISSION NO. 3:**

Please admit that Liquid Value is or was registered to conduct business in Florida.

# **REQUEST FOR ADMISSION NO. 4:**

Please admit that Sino Global Capital Management is or was registered to conduct business in California.

# **REQUEST FOR ADMISSION NO. 5:**

Please admit that Liquid Value is or was registered to conduct business in California.

#### **REQUEST FOR ADMISSION NO. 6:**

Please admit that you do or did operate, conduct, engage in, or carry on a business or business venture in Florida.

### **REQUEST FOR ADMISSION NO. 7:**

Please admit that Sino Global Capital Management does or did operate, conduct, engage in, or carry on a business or business venture in Florida.

#### **REQUEST FOR ADMISSION NO. 8:**

Please admit that Liquid Value does or did operate, conduct, engage in, or carry on a business or business venture in Florida.

#### **REQUEST FOR ADMISSION NO. 9:**

Please admit that Sino Global Capital Management does or did operate, conduct, engage in, or carry on a business or business venture in California.

#### **REQUEST FOR ADMISSION NO. 10:**

Please admit that Liquid Value does or did operate, conduct, engage in, or carry on a business or business venture in California.

### **REQUEST FOR ADMISSION NO. 11:**

Please admit that you regularly conduct or conducted business in Florida.

# **REQUEST FOR ADMISSION NO. 12:**

Please admit that Sino Global Capital Management regularly conducts or conducted business in Florida.

# **REQUEST FOR ADMISSION NO. 13:**

Please admit that Liquid Value regularly conducts or conducted business in Florida.

#### **REQUEST FOR ADMISSION NO. 14:**

Please admit that Sino Global Capital Management regularly conducts or conducted business in California.

#### **REQUEST FOR ADMISSION NO. 15:**

Please admit that Liquid Value regularly conducts or conducted business in California.

# **REQUEST FOR ADMISSION NO. 16:**

Please admit that the business that Sino Global Capital Management conducts or conducted in Florida and/or California relates at least in part to Plaintiffs' factual allegations in their complaint (SD Fla. Case No. 23-md-3076, R. Doc. 182).

#### **REQUEST FOR ADMISSION NO. 17:**

Please admit that the business that Liquid Value conducts or conducted in Florida and/or California relates at least in part to Plaintiffs' factual allegations in their complaint (SD Fla. Case No. 23-md-3076, R. Doc. 182).

# **REQUEST FOR ADMISSION NO. 18:**

Please admit that you maintain or maintained a place of business, office, facility or agency in Florida, or otherwise have physical operations in Florida.

## **REQUEST FOR ADMISSION NO. 19:**

Please admit that Sino Global Capital Management maintains or maintained a place of business, office, facility or agency in Florida, or otherwise has physical operations in Florida. Please further admit that such "place of business, office, facility or agency in Florida" is or was Sino Global Capital Management's principal office or place of business.

# **REQUEST FOR ADMISSION NO. 20:**

Please admit that Liquid Value maintains or maintained a place of business, office, facility or agency in Florida, or otherwise has physical operations in Florida. Please further admit that such "place of business, office, facility or agency in Florida" is or was Liquid Value's principal office or place of business.

#### **REQUEST FOR ADMISSION NO. 21:**

Please admit that Sino Global Capital Management maintains a place of business, office, facility or agency in California, or otherwise has physical operations in California.

#### **REQUEST FOR ADMISSION NO. 22:**

Please admit that Liquid Value maintains or maintained a place of business, office, facility or agency in California, or otherwise has physical operations in California. Please further admit

that such "place of business, office, facility or agency in California" is or was Liquid Value's principal office or place of business.

#### **REQUEST FOR ADMISSION NO. 23:**

Please admit that Matthew Graham owns or owned in whole or in part, whether directly or indirectly, You, Sino Global Capital Management, and Liquid Value.

# **REQUEST FOR ADMISSION NO. 24:**

Please admit that Matthew Graham manages or managed—whether directly or indirectly—Your, Sino Global Capital Management's, and Liquid Value's operations.

#### **INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

If you responded to any of the foregoing Requests for Admission in any way other than an unequivocal admission, please set forth all facts to support each such response(s).

### **INTERROGATORY NO. 2:**

Please identify all current and former owners of Sino Global Capital Limited, Sino Global Capital Holdings, LLC, Sino Global Capital Management, and Liquid Value, including the ownership percentage held by each owner identified in response to this Interrogatory No. 2.

#### **INTERROGATORY NO. 3:**

Please identify your, Sino Global Capital Management's, and Liquid Value's employees, executives, and directors. In doing so, please provide their home address(es), titles and descriptions of their role(s) with respect to Sino Global Capital Limited, Sino Global Capital Holdings, LLC, Sino Global Capital Management, and/or Liquid Value, their office address(es), their work phone number(s), and their work email address(es).

#### **INTERROGATORY NO. 4:**

Please identify the entity that pays the salaries or any other compensation of the personnel listed in response to Interrogatory No. 4.

#### **INTERROGATORY NO. 5:**

Please identify the entity that pays the expenses and/or losses of Sino Global Capital Holdings, LLC.

#### **INTERROGATORY NO. 7:**

Please describe the business of, and how such business is conveyed to you, Sino Global Capital Management, and/or Liquid Value.

#### **INTERROGATORY NO. 8:**

Please identify the executives, directors, employees, and/or representatives of Sino Global Capital Holdings, LLC, Sino Global Capital Limited, Sino Global Capital Management, and/or Liquid Value who participated in responding to these discovery requests.

#### REQUESTS FOR PRODUCTION

- 1. All workpapers, communications, and other documents concerning subscription agreements, membership agreements, partnership agreements, and/or other agreements between you and any of the FTX Entities, Alameda or any of the Defendants relating to any of the FTX Entities and/or Alameda.
- 2. All communications between you, Sino Global Capital Management, and/or Liquid Value and any of the FTX Entities, Alameda, or any of the Defendants concerning any of the FTX Entities and/or Alameda.

- 3. All communications between Matthew Graham and any executive, director, employee, agent, and/or representative of any of the FTX Entities, Alameda, North Dimension Inc., and/or LedgerX LLC.
- 4. All communications between Matthew Graham and Defendants and/or Defendants' executives, directors, employees, agents, and/or representatives.
- 5. All work papers, communications, and other documents concerning the Series B funding of FTX Trading, which closed in October 2021, including, but not limited to, offering memoranda, offering circulars, prospectuses, pitch decks, capitalization tables, diligence memoranda, reports, opinions, and other diligence materials concerning any of the FTX Entities and/or Alameda.
- 6. Documents evidencing wire transfers or other payments, or instructions related to the foregoing, for any payments (1) from you, Sino Global Capital Management, and/or Liquid Value to any of the FTX Entities and/or Alameda or (2) from any of the FTX Entities and/or Alameda to you, Sino Global Capital Management, and/or Liquid Value.
- 7. Documents and communications concerning your due diligence efforts undertaken by you or on your behalf in conjunction with potential or actual investments in or with FTX Entities and/or Alameda, whether such efforts were undertaken before the investment or following the investment in the form of continued monitoring, tracking, or management. Such documents and communications should include but not be limited to standard due diligence policies and/or checklists for your usual due diligence efforts, as well as all documents and communications specifically relating to or collected through your due diligence efforts undertaken with respect

- to your actual investment(s) and/or any other potential investment(s) in FTX Entities and/or Alameda, or your Liquid Value funds.
- 8. Contracts for any legal services you, Sino Global Capital Management, and/or Liquid Value sought or obtained in relation to the FTX Entities and/or Alameda.
- 9. All work papers, communications, and other documents, concerning any investment by FTX Entities and/or Alameda in you, Sino Global Capital Management, Liquid Value, or in any other investment fund, limited partnership, or other business venture that you own, operate, or manage, including, but not limited to, offering memoranda, offering circulars, prospectuses, pitch decks, capitalization tables, diligence memoranda, reports, opinions, and other diligence materials concerning any of the FTX Entities and/or Alameda.
- 10. All work papers, communications, and other documents concerning Liquid Value, including, but not limited to offering memoranda, offering circulars, prospectuses, pitch decks, capitalization tables, diligence memoranda, reports, opinions, and any diligence materials concerning any of the FTX Entities and/or Alameda.
- 11. All "Relationship Documents," including but not limited to, any side letters, that Liquid Value references in any proofs of claim (including, but not limited to, claim numbers 3132 and 3967) or supplements thereto that Liquid Value filed in the Bankruptcy Actions. This request specifically includes any amendments or alterations to those claims.
- 12. All work papers, communications, and other documents concerning your, Sino Global Capital Management's, and/or Liquid Value's membership and service on the board, including any advisory board, of any of the FTX Entities and/or

- Alameda, including, but not limited to, agendas, presentations, and minutes of any and all meetings of such board.
- 13. All work papers, communications, and other documents concerning the membership and service on your, Sino Global Capital Management's, and/or Liquid Value's board, including any advisory board, by any of the FTX Entities and/or Alameda, including, but not limited to, agendas, presentations, and minutes of any and all meetings of such board.
- 14. All work papers, communications, and other documents concerning any of the FTX Entities and/or Alameda that were prepared or maintained in connection with, and/or referred to, your investments in, or any other potential investments in, loans to, or financing for any of the FTX Entities and/or Alameda.
- 15. All documents concerning any working group lists, or the names and contact information for all persons or entities, you received, prepared, or maintained in connection with your investments, or potential investments, in any of the FTX Entities and/or Alameda, including, but not limited to, persons in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management), directors, and/or other personnel involved in the Series A, Series B, Series B-1, Series C, and/or any other funding for, investment in, or potential investment in any of the FTX Entities and/or Alameda.
- 16. All documents and work papers concerning the operations of any of the FTX Entities and/or Alameda, including, but not limited to, operating pro formas, uses

and sources of cash and investment proceeds, investment portfolios, status reports, budgets, and/or presentations concerning the performance of any of the FTX Entities and/or Alameda, as well as, any market research, profitability analyses, evaluations, and/or other reports prepared by you or for you by any investment bankers, research analysts, management consultants and/or other professional.

- 17. All documents and work papers concerning the formation and corporate governance of any of the FTX Entities and/or Alameda, including, but not limited to, articles of incorporation, articles of formation, by-laws, membership agreements, partnership agreements, certificates of good standing, charters for any and all board committees, compliance policies, anti-corruption policies, whistleblower polices, policies relating to conflicts of interest, insider trading policies, related party transaction policies, and codes of ethics.
- 18. All documents and work papers concerning the implementation of accounting controls, financial controls, cash management controls and/or audit processes at any of the FTX Entities and/or Alameda, including, but not limited to audit committees, internal and/or external audits, audited and/or unaudited financial statements, general ledgers, policies and procedures concerning audits, asset allocation, liquidity forecasting, and disbursement controls, and other financial records for any of the FTX Entities and/or Alameda, and the engagement of, and services provided by, any accounting firm by and for any of the FTX Entities and/or Alameda, including, but not limited to Robert Lee & Associates, Prager Metis CPAs LLC and/or Armanino LLP.

- 19. Any documents evidencing updates, progress reports, or similar with respect to (1) your investments in FTX Entities and/or Alameda and (2) FTX Entities' and/or Alameda's financials.
- 20. All documents and work papers concerning North Dimension Inc, including, but not limited to, its ownership, employees, business purpose, and operations.
- 21. All documents and work papers concerning LedgerX LLC, including, but not limited to, its ownership, employees, business purpose, and operations.
- 22. All communications with any representative, employee, or agent of LedgerX LLC.
- 23. All documents and work papers concerning any transactions and/or transfers of fiat, cryptocurrency, or other assets between any of the FTX Entities, Alameda, and/or any director, control person, and/or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda, including, but not limited to, disbursements, donations, gifts, bonuses and other compensation, capital contributions, promissory notes, inter-company agreements, service agreements, and loan agreements.
- 24. All documents and work papers concerning risk management controls—and any exemptions or alterations thereto for, but not limited to, Alameda—at any of the FTX Entities and/or Alameda, including, but not limited to, policies and procedures concerning investment diversification, cryptocurrency products and other digital assets, derivative products, and leverage, including, but not limited to, the purported

"risk engine" auto-liquidator and other protocols to prevent a user from becoming over-leveraged on any of the FTX Entities' platforms and/or the FTX Entities' purported policy prohibiting any user from maintaining a negative balance on their platforms.

- 25. All documents and work papers concerning regulatory compliance at any of the FTX Entities and/or Alameda, including, but not limited to, campaign finance regulations, licensure of the FTX Entities and/or Alameda in the jurisdictions in which each operates, including, but not limited to, money transmitter licenses, and the regulation of cryptocurrencies, tokens, and other digital assets—including the yield-bearing accounts offered by the FTX Entities—as securities.
- 26. All documents and work papers concerning any charitable, political and/or campaign contribution by any of the FTX Entities, Alameda, and/or any director, control person, and/or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda.
- 27. All documents and work papers concerning any internal complaints, including, but not limited to, "whistleblower" complaints, litigation, administrative or regulatory proceedings, investigations or governmental actions involving any of the FTX Entities and/or Alameda.
- 28. All documents and work papers concerning the custody, and/or safeguarding, of customer funds, including fiat, cryptocurrencies, and other digital assets, by any of

the FTX Entities and/or Alameda, including, but not limited to, the labeling of customer accounts as "for the benefit of" ("FBO") the customer, the segregation (or lack thereof) of customer funds from the FTX Entities' operating accounts, the storage of customer funds in digital wallets on the FTX Entities' platforms, and the ledgering and/or bookkeeping of those funds by any of the FTX Entities and/or Alameda.

- 29. All documents and work papers concerning the terms of service for any of the FTX Entities and use thereof by customers or investors.
- 30. All documents and work papers concerning FTT, including, but not limited to, FTT held by any of the FTX Entities and/or Alameda, and their use of FTT as collateral for loans and other transactions.
- 31. All documents and work papers concerning the real and tangible property held by any FTX Entity and/or Alameda, including, but not limited to, the location and use of such property, and any mortgages, deeds of trust, lease and/or security agreements for the properties, and transfers of such properties by, among, and between any FTX Entity, Alameda, and/or any director, control person, and/or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda.
- 32. All documents and work papers concerning the decision to post, preparation of any post, and posting on your website, social media platform, or any other public forum

of any statements concerning the FTX Entities, Alameda, any director, control person, or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda, and/or any of the Defendants.

- 33. All documents, work papers, and/or communications concerning the FTX Entities and/or Alameda you provided to or exchanged with:
  - a. Officers, directors, employees, and control persons of any of the FTX

    Entities and/or Alameda, including, but not limited to, Samuel BankmanFried, Caroline Ellison, Gary Wang, Nishad Singh, Constance Wang, Brett
    Harrison, Sam Trabucco, Zach Dexter, Ryne Miller, Ryan Salame, Dan
    Friedberg, and Ramnik Arora;
  - any actual or prospective customer of any of the FTX Entities and/or Alameda and/or any actual or prospective investor in any of the FTX Entities and/or Alameda; or
  - c. any of the Defendants.
- 34. To the extent not already produced in connection with any of the above requests, all work papers, communications, transcripts and/or recordings of any depositions, testimony, interviews, or statements you have provided concerning the FTX Entities and/or Alameda in any court, administrative proceedings, the Bankruptcy Actions, the Criminal Proceedings, or any other foreign or domestic forum or in response to any governmental agency request for discovery.

- 35. All documents, communications, and work papers relating to fraud detection and anti-money laundering protection by you, including, but not limited to, policies, procedures, manuals, monitoring systems, including automated monitoring systems, even if generated by a third party, employed by you to detect, monitor, and/or prevent fraud, money laundering, and/or other misconduct by the companies and other entities in which you invest, including, but not limited to, Know Your Customer or Know Your Client (together, "KYC") obligations, policies, procedures and compliance; Know Your Business ("KYB") obligations, policies, procedures, and compliance; Customer Identification Program ("CIP") obligations, policies, procedures, and compliance; Bank Secrecy Act ("BSA") obligations, policies, procedures and compliance; risk management; and other due diligence.
- 36. All work papers, communications, and other documents concerning your decision to make the investment in the FTX Entities and/or Alameda, including but not limited to any meeting minutes, memoranda, or materials with respect to your internal committee or board discussions; and any meeting minutes, memoranda, or materials with respect to communications with Defendants.
- 37. Documents concerning any meetings between your directors, executives, employees, representatives, and/or agents and FTX's directors, executives, employees, representatives, and/or agents. This request includes but is not limited to any expense reports and calendar entries related to any such meetings.
- 38. All workpapers, communications, and other documents concerning your hiring and employment of Constance Wang.

- 39. Organizational charts for Sino Global Capital Limited, Sino Global Capital Holdings, Sino Global Capital Management, Liquid Value, Ryze Labs, and any other intermediate entities existing along the chain of ownership between or among the entities specifically named in this request and Matthew Graham or any other ultimate owner and/or shareholder.
- 40. All documents and work papers concerning your, Sino Global Capital Management's, and/or Liquid Value's formation and corporate governance, including, but not limited to, articles of incorporation, articles of formation, bylaws, membership agreements, partnership agreements, certificates of good standing, charters for any and all board committees, policies relating to conflicts of interest, insider trading policies, related party transaction policies, and codes of ethics.
- 41. Your, Sino Global Capital Management's, and Liquid Value's audited financial statements, including income statements, balance sheets and statements of cash flow, whether consolidated or unconsolidated.
- 42. Your, Sino Global Capital Management's, and Liquid Value's Federal and State (in whatever state they may be filed) tax returns and reporting information.
- 43. Documents concerning your, Sino Global Capital Management's, and/or Liquid Value's banking relationships in California and/or Florida.
- 44. All documents, work papers, or other discovery concerning any agreements or contracts between or among Sino Global Capital Limited, Sino Global Capital Holdings, LLC, Sino Global Capital Management, Liquid Value, and/or any owner

- of the foregoing, including, but not limited to, intercompany agreements, leaseback agreements, and/or shared services agreement.
- 45. All documents, work papers, or other discovery concerning property, personnel, or equipment provided to or shared by Sino Global Capital Limited, Sino Global Capital Holdings, LCC, Sino Global Capital Management, and/or Liquid Value.
- 46. All documents, work papers, or other discovery concerning your, Sino Global Capital Management's, and/or Liquid Value's operations in the United States, including, but not limited to, any offices and personnel located in California and Florida.
- 47. All documents, work papers, or other discovery concerning any registration by you, Sino Global Capital Management, and/or Liquid Value to conduct business in Florida or California.
- 48. All documents, work papers, or other discovery concerning your, Sino Global Capital Management's, and/or Liquid Value's operating, conducting, engaging in, or carrying on a business or business venture in Florida or California.
- 49. All documents, work papers, or other discovery concerning any place of business, office, facility, agency, or office that you, Sino Global Capital Management, and/or Liquid Value maintain in Florida or California.
- 50. All documents, work papers, or other discovery concerning your, Sino Global Capital Management's, and/or Liquid Value's physical operations in Florida or California.

51. All documents, work papers, or other discovery concerning your, Sino Global Capital Management's, and/or Liquid Value's business in, or soliciting business within, Florida or California.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# PLAINTIFFS' FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT SINO GLOBAL CAPITAL HOLDINGS, LLC

Plaintiffs in the above-titled action, pursuant to Rules 26, 33 34, and 36 of the Federal Rules of Civil Procedure, and Local Rule 26.1 of the United States District Court for the Southern District of Florida, request that Defendant Sino Global Capital Holdings, LLC, respond to the enclosed Requests for Admission and Interrogatories and produce all documents, electronically stored information, and things that are in your possession, custody, or control requested in response to the following Requests for Production.

Respectfully submitted on November \_\_\_\_\_, 2023

#### Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

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By: /s/ David Boies

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Plaintiffs' Steering Committee Members				
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Robert Lieff P.O. Drawer A Rutherford, CA 94573 rlieff@lieff.com				

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November,	2023,	a true	and	correct	copy	of	the
foregoing was served via email to all counsel of record.							

By: <u>/s/ Adam M. Moskowitz</u>
Adam M. Moskowitz

#### **DEFINITIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Alameda" refers to Alameda Research LLC, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform), predecessors (including acquired entities or lines of business), and/or successors, which includes but is not limited to Alameda Ventures Ltd., and current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of the foregoing. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to Alameda herein.
- 2. "All/Each" and "And/Or" The terms "all", "each", "and" and "or" shall be construed as meaning either all or each as necessary, or conjunctively, to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 3. "Bankruptcy Actions" refers to Case No. 22-11068 (JTD) (Jointly Administered) pending in the United States Bankruptcy Court for the District of Delaware, and all bankruptcy proceedings filed in or after November 2022 on behalf of any of the FTX Entities and/or Alameda, and all adversary proceedings filed in connection therewith.
- 4. "Communication" means, without limitation, the transmittal of information in the form of facts, ideas, inquiries or otherwise, and whether orally or in writing, or by

any other means or medium, including in person, electronically and/or by exchange or communication of any document, and includes, without limitation, correspondence, memoranda, reports, presentations, face-to-face conversations, telephone conversations, text messages, instant messages, voice messages, negotiations, Agreements, inquiries, understandings, meetings, letters, notes, telegrams, mail, email, exchanges of recorded information, and postings of any type. The term "Communication" includes instances where one party disseminates information that the other party receives but does not respond to.

- 5. "Concerning" means relating to, referring to, describing, evidencing or constituting.
- 6. "Control person" means a person (as defined herein) in direct or indirect possession of the power to direct or cause the direction of the management and policies of a person (as defined herein), whether through the ownership of voting securities, by contract, or otherwise.
- 7. "Creditors" refers to all creditors in the Bankruptcy Actions, including, but not limited to, any committees of such creditors.
  - 8. "Criminal Proceedings" refers to *United States v. Sam Bankman-Fried*, 1:22-CR-00673 pending in the Southern District of New York, and all criminal proceedings filed in or after November 2022 relating to the FTX Entities and/or Alameda.
- 9. "Debtors" refers to all FTX Entities and/or Alameda that have filed petitions for bankruptcy protection in the Bankruptcy Actions. When referring to the FTX Entities and/or Alameda in the Requests, the Requests cover the periods both prior to, and after, their filing of any of the Bankruptcy Actions.

- 10. "Defendants" refers to any and all persons and/or entities named as defendants in any of the actions consolidated with, and into, the above-captioned action. For purposes of these Requests, Defendants also includes Silvergate Capital Corporation (a/k/a Silvergate Bank) and Signature Bank.
- 11. "Document" refers to any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including, but not limited to, memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, text messages, instant messages (including, but not limited to, messages exchanged or sent using Slack, Teams, Discord, WhatsApp, Signal or any other similar application), transcripts, studies, analyses, tests, books, articles, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, questionnaires, surveys, charts, graphs, videos, photographs, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof. To the extent not already covered in the above definition, "Document" specifically includes any "writing", "recording", "photograph", "original" or "duplicate" as defined in Rule 1001 of the Federal Rules of Evidence, and/or "Electronically Stored Information" within the full scope of Rule 34 of the Federal Rules of Civil Procedure and/or as further defined as "ESI" herein.

12.

"ESI" refers to Electronically Stored Information, as consistent with Rule 34 of the Federal Rules of Civil Procedure and includes all computer or electronically stored or generated data and information, including all attachments to and enclosures within any requested item, and all drafts thereof. ESI includes all information and documents stored in any format and on any storage media, including, but not limited to: internal and external storage devices, hard drives, flash drives; and magnetic tape, whether fixed, portable or removable, and ESI further includes, but is not limited to, electronic spreadsheets, electronic presentation documents, e-mail messages, text messages, message platforms (including, but not limited to, Slack, Teams, Discord, WhatsApp, Telegram, Messenger, Signal or any other similar platforms where chat messages are exchanged); image files; sound files; material or information stored in a database or accessible from a database (including, but not limited to, Salesforce, Azure Cloud, or SQL databases). Responsive ESI may also include data on social media websites (e.g., LinkedIn, Facebook, Twitter, Instagram, and internal intranet social media). To the extent that a document or ESI contains tracked changes, comments, or other hidden text, the document or ESI should be imaged with that hidden text displayed. ESI also includes all associated metadata that is maintained or saved (including for example, author, recipient, file creation date, file modification date, etc.). Metadata preservation includes preserving parent-child relationships within a document family (the association between an attachment and its parents' document or between embedded documents and their parent). The entire document and attachments will be produced, except any attachments that may be withheld or redacted on the basis of any protection or privilege, work product, or other applicable protection. Best efforts shall be made to ensure that the parent-child relationships within a document family (the association between an attachment and its parent document) are preserved and that such responsive child document(s) should be consecutively produced immediately after the responsive parent document.

- 13. "FTT" refers to the digital token created by the FTX Entities.
- 14. "FTX Entities" refers to FTX Trading and/or FTX US.
- 15. "FTX Trading" refers to FTX Trading Ltd. d/b/a FTX Trading, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX Trading herein.
- 16. "FTX US" refers to West Realm Shires Services Inc. d/b/a FTX US, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel

- Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX US herein.
- 17. "Liquidators" refers to all liquidators in the Bankruptcy Actions, including, but not limited to, the Joint Provisional Liquidators of FTX Digital Markets Ltd.
- 18. "Person" or "People" refers to any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 19. "Trustee" refers to the U.S. Trustee assigned in the Bankruptcy Actions, including any of the Trustee's employee or agents, including any examiner appointed in the Bankruptcy Actions.
- 20. "Work Papers" refers to all documents, including drafts, organizational charts, spreadsheets, and other data, prepared, maintained and/or obtained by you concerning the planning, procedures performed, information obtained, and conclusions reached in connection with any investment, or potential investment, in any of the FTX Entities and/or Alameda. "Work Papers" also includes documents that you have in your possession, custody or control that were prepared, maintained and/or obtained by you concerning the FTX Entities and/or Alameda that were prepared or obtained from any of the FTX Entities and/or Alameda or any other persons or entities investing in or providing accounting, auditing, or consulting services to the FTX Entities and/or Alameda.
- 21. "You" or "Your" shall refer to the Defendant responding to these requests, its predecessors, successors, subsidiaries, departments divisions, and/or affiliates, including, but not limited to, any funds or other investment vehicles held by the Defendant responding or in which the Defendant responding is a member or other

owner, its international, national or local branches or offices, including, but not limited to Sino Global Capital Limited, Ryze Labs, and current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of the responding Defendant.

- 22. "Sino Global Capital Management" shall refer to Sino Global Capital Management LLC, its predecessors, successors, subsidiaries, departments divisions, and/or affiliates, any international, national or local branches or offices, and current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on its behalf.
- 23. "Liquid Value" shall refer to the fund(s) in which you were co-general partners with FTX Entities and/or Alameda and any funds related in any way thereto. It shall refer to Liquid Value Fund I LP; Liquid Value GP Limited; Liquid Value US Fund I LP; Liquid Value Offshore Feeder Fund I LP; and each of the foregoing's predecessors, successors, subsidiaries, departments divisions, and/or affiliates, any international, national or local branches or offices, and current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of Liquid Value.
- 24. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- 25. Defined terms may or may not be capitalized or made uppercase; the given definitions apply even if a term in question is not capitalized or made uppercase.

No waiver of a definition is implied by the use of a defined term in a non-capitalized or lowercase form.

#### **INSTRUCTIONS**

- Production of documents and items requested herein shall be made at the offices of
  The Moskowitz Law Firm, P.O. Box 653409, Miami, FL 33133, or via electronic
  mail to the email addresses provided in the signature blocks of the attorneys serving
  these requests.
- Unless otherwise stated in a request, the time period for which you must respond is
   January 1, 2019, through the date of production.
- 3. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds for the objection and respond to the Request to the extent it is not objectionable. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 4. These requests shall include all documents that are in your possession, custody or control or in the possession, custody or control of your present or former agents, representatives, or your attorneys, or any and all persons acting on your behalf, or your present or former agents, representatives, or attorneys.
- 5. For any document, or portion thereof, covered by a request that is withheld from production (or redacted in whole or in part) under claim of privilege, work product protection or any other basis, you shall provide the following information in the form of a privilege log:
  - a. the reasons and each and every fact supporting any withholding, and legal basis for withholding the document including sufficient facts for the Court to make a full determination as to whether the claim of privilege is valid;

- b. the date such document was prepared;
- c. the names, employment positions and addresses of the author or preparers of such document;
- d. the names, employment positions, and the addresses of each person who received such document;
- e. the title, a brief description, and the subject matter of the document;
- f. the number of the request under which such document would be produced but for the objection; and
- g. description of the subject matter sufficient to determine whether the privilege is properly invoked (without revealing privileged information)
- 6. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;
  - e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
- 7. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.

- 8. These requests should be deemed continuing such that if you, your directors, officers, employees, agents, representatives, or any person acting on your behalf, subsequently discover or obtain possession, custody, or control of any document or ESI previously requested or required to be produced, you should make a supplemental production of such document or ESI. Supplemental productions should be provided on a rolling basis as additional documents become available.
- 9. All documents that cannot be accurately represented in TIFF format (such as spreadsheets, computer slide presentations, audio files, video files, and other similar file types) shall be provided in native format. The parties will further meet and confer regarding appropriate format of production for databases and structured data (e.g., Microsoft Teams, Slack, Microsoft Access, Azure Cloud, Salesforce, Oracle, or other ephemeral messaging or proprietary database systems).
- 10. In responding to these Document Requests, you are to include Documents:
  - a. obtained from witnesses who gave information to any governmental agency or investigatory body;
  - b. that constitute, or refer or relate to, summaries of testimony or other statements in connection with any governmental agency or investigatory body proceeding or investigation; or
  - obtained on your behalf by counsel in preparing for testimony or interviews
     before any governmental agency or investigatory body.
- 11. All documents are to be produced in the following method if not produced in its Native Format:
  - a. Single page .TIFF images

- b. Color.jpg (documents wherein reflection of importance relies on color, shall
   be produced in .jpg format)
- c. Document level Text Files containing extracted full text or OCR text
- d. Electronic documents, e-mails, text or instant messages are to be processed and converted from the electronic format to single page tiff.

# **REQUESTS FOR ADMISSION**

# **REQUEST FOR ADMISSION NO. 1:**

Please admit that you are or were registered to conduct business in Florida.

# **REQUEST FOR ADMISSION NO. 2:**

Please admit that Sino Global Capital Management is or was registered to conduct business in Florida.

# **REQUEST FOR ADMISSION NO. 3:**

Please admit that Liquid Value is or was registered to conduct business in Florida.

# **REQUEST FOR ADMISSION NO. 4:**

Please admit that Sino Global Capital Management is or was registered to conduct business in California.

# **REQUEST FOR ADMISSION NO. 5:**

Please admit that Liquid Value is or was registered to conduct business in California.

#### **REQUEST FOR ADMISSION NO. 6:**

Please admit that you do or did operate, conduct, engage in, or carry on a business or business venture in Florida.

# **REQUEST FOR ADMISSION NO. 7:**

Please admit that Sino Global Capital Management does or did operate, conduct, engage in, or carry on a business or business venture in Florida.

# **REQUEST FOR ADMISSION NO. 8:**

Please admit that Liquid Value does or did operate, conduct, engage in, or carry on a business or business venture in Florida.

#### **REQUEST FOR ADMISSION NO. 9:**

Please admit that Sino Global Capital Management does or did operate, conduct, engage in, or carry on a business or business venture in California.

# **REQUEST FOR ADMISSION NO. 10:**

Please admit that Liquid Value does or did operate, conduct, engage in, or carry on a business or business venture in California.

# **REQUEST FOR ADMISSION NO. 11:**

Please admit that you regularly conduct or conducted business in Florida.

# **REQUEST FOR ADMISSION NO. 12:**

Please admit that Sino Global Capital Management regularly conducts or conducted business in Florida.

# **REQUEST FOR ADMISSION NO. 13:**

Please admit that Liquid Value regularly conducts or conducted business in Florida.

# **REQUEST FOR ADMISSION NO. 14:**

Please admit that Sino Global Capital Management regularly conducts or conducted business in California.

# **REQUEST FOR ADMISSION NO. 15:**

Please admit that Liquid Value regularly conducts or conducted business in California.

# **REQUEST FOR ADMISSION NO. 16:**

Please admit that the business that Sino Global Capital Management conducts or conducted in Florida and/or California relates at least in part to Plaintiffs' factual allegations in their complaint (SD Fla. Case No. 23-md-3076, R. Doc. 182).

# **REQUEST FOR ADMISSION NO. 17:**

Please admit that the business that Liquid Value conducts or conducted in Florida and/or California relates at least in part to Plaintiffs' factual allegations in their complaint (SD Fla. Case No. 23-md-3076, R. Doc. 182).

# **REQUEST FOR ADMISSION NO. 18:**

Please admit that you maintain or maintained a place of business, office, facility or agency in Florida, or otherwise have physical operations in Florida.

# **REQUEST FOR ADMISSION NO. 19:**

Please admit that Sino Global Capital Management maintains or maintained a place of business, office, facility or agency in Florida, or otherwise has physical operations in Florida. Please further admit that such "place of business, office, facility or agency in Florida" is or was Sino Global Capital Management's principal office or place of business.

# **REQUEST FOR ADMISSION NO. 20:**

Please admit that Liquid Value maintains or maintained a place of business, office, facility or agency in Florida, or otherwise has physical operations in Florida. Please further admit that such "place of business, office, facility or agency in Florida" is or was Liquid Value's principal office or place of business.

# **REQUEST FOR ADMISSION NO. 21:**

Please admit that Sino Global Capital Management maintains a place of business, office, facility or agency in California, or otherwise has physical operations in California.

# **REQUEST FOR ADMISSION NO. 22:**

Please admit that Liquid Value maintains or maintained a place of business, office, facility or agency in California, or otherwise has physical operations in California. Please further admit

that such "place of business, office, facility or agency in California" is or was Liquid Value's principal office or place of business.

#### **REQUEST FOR ADMISSION NO. 23:**

Please admit that Matthew Graham owns or owned in whole or in part, whether directly or indirectly, You, Sino Global Capital Management, and Liquid Value.

# **REQUEST FOR ADMISSION NO. 24:**

Please admit that Matthew Graham manages or managed—whether directly or indirectly—Your, Sino Global Capital Management's, and Liquid Value's operations.

#### **INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

If you responded to any of the foregoing Requests for Admission in any way other than an unequivocal admission, please set forth all facts to support each such response(s).

# **INTERROGATORY NO. 2:**

Please identify all current and former owners of Sino Global Capital Limited, Sino Global Capital Holdings, LLC, Sino Global Capital Management, and Liquid Value, including the ownership percentage held by each owner identified in response to this Interrogatory No. 2.

#### **INTERROGATORY NO. 3:**

Please identify your, Sino Global Capital Management's, and Liquid Value's employees, executives, and directors. In doing so, please provide their home address(es), titles and descriptions of their role(s) with respect to Sino Global Capital Limited, Sino Global Capital Holdings, LLC, Sino Global Capital Management, and/or Liquid Value, their office address(es), their work phone number(s), and their work email address(es).

#### **INTERROGATORY NO. 4:**

Please identify the entity that pays the salaries or any other compensation of the personnel listed in response to Interrogatory No. 4.

# **INTERROGATORY NO. 5:**

Please identify the entity that pays the expenses and/or losses of Sino Global Capital Holdings, LLC.

# **INTERROGATORY NO. 7:**

Please describe the business of, and how such business is conveyed to you, Sino Global Capital Management, and/or Liquid Value.

# **INTERROGATORY NO. 8:**

Please identify the executives, directors, employees, and/or representatives of Sino Global Capital Holdings, LLC, Sino Global Capital Limited, Sino Global Capital Management, and/or Liquid Value who participated in responding to these discovery requests.

#### REQUESTS FOR PRODUCTION

- 1. All workpapers, communications, and other documents concerning subscription agreements, membership agreements, partnership agreements, and/or other agreements between you and any of the FTX Entities, Alameda or any of the Defendants relating to any of the FTX Entities and/or Alameda.
- 2. All communications between you, Sino Global Capital Management, and/or Liquid Value and any of the FTX Entities, Alameda, or any of the Defendants concerning any of the FTX Entities and/or Alameda.

- 3. All communications between Matthew Graham and any executive, director, employee, agent, and/or representative of any of the FTX Entities, Alameda, North Dimension Inc., and/or LedgerX LLC.
- 4. All communications between Matthew Graham and Defendants and/or Defendants' executives, directors, employees, agents, and/or representatives.
- 5. All work papers, communications, and other documents concerning the Series B funding of FTX Trading, which closed in October 2021, including, but not limited to, offering memoranda, offering circulars, prospectuses, pitch decks, capitalization tables, diligence memoranda, reports, opinions, and other diligence materials concerning any of the FTX Entities and/or Alameda.
- 6. Documents evidencing wire transfers or other payments, or instructions related to the foregoing, for any payments (1) from you, Sino Global Capital Management, and/or Liquid Value to any of the FTX Entities and/or Alameda or (2) from any of the FTX Entities and/or Alameda to you, Sino Global Capital Management, and/or Liquid Value.
- 7. Documents and communications concerning your due diligence efforts undertaken by you or on your behalf in conjunction with potential or actual investments in or with FTX Entities and/or Alameda, whether such efforts were undertaken before the investment or following the investment in the form of continued monitoring, tracking, or management. Such documents and communications should include but not be limited to standard due diligence policies and/or checklists for your usual due diligence efforts, as well as all documents and communications specifically relating to or collected through your due diligence efforts undertaken with respect

- to your actual investment(s) and/or any other potential investment(s) in FTX Entities and/or Alameda, or your Liquid Value funds.
- 8. Contracts for any legal services you, Sino Global Capital Management, and/or Liquid Value sought or obtained in relation to the FTX Entities and/or Alameda.
- 9. All work papers, communications, and other documents, concerning any investment by FTX Entities and/or Alameda in you, Sino Global Capital Management, Liquid Value, or in any other investment fund, limited partnership, or other business venture that you own, operate, or manage, including, but not limited to, offering memoranda, offering circulars, prospectuses, pitch decks, capitalization tables, diligence memoranda, reports, opinions, and other diligence materials concerning any of the FTX Entities and/or Alameda.
- 10. All work papers, communications, and other documents concerning Liquid Value, including, but not limited to offering memoranda, offering circulars, prospectuses, pitch decks, capitalization tables, diligence memoranda, reports, opinions, and any diligence materials concerning any of the FTX Entities and/or Alameda.
- 11. All "Relationship Documents," including but not limited to, any side letters, that Liquid Value references in any proofs of claim (including, but not limited to, claim numbers 3132 and 3967) or supplements thereto that Liquid Value filed in the Bankruptcy Actions. This request specifically includes any amendments or alterations to those claims.
- 12. All work papers, communications, and other documents concerning your, Sino Global Capital Management's, and/or Liquid Value's membership and service on the board, including any advisory board, of any of the FTX Entities and/or

- Alameda, including, but not limited to, agendas, presentations, and minutes of any and all meetings of such board.
- 13. All work papers, communications, and other documents concerning the membership and service on your, Sino Global Capital Management's, and/or Liquid Value's board, including any advisory board, by any of the FTX Entities and/or Alameda, including, but not limited to, agendas, presentations, and minutes of any and all meetings of such board.
- 14. All work papers, communications, and other documents concerning any of the FTX Entities and/or Alameda that were prepared or maintained in connection with, and/or referred to, your investments in, or any other potential investments in, loans to, or financing for, any of the FTX Entities and/or Alameda.
- 15. All documents concerning any working group lists, or the names and contact information for all persons or entities, you received, prepared, or maintained in connection with your investments, or potential investments, in any of the FTX Entities and/or Alameda, including, but not limited to, persons in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management), directors, and/or other personnel involved in the Series A, Series B, Series B-1, Series C, and/or any other funding for, investment in, or potential investment in any of the FTX Entities and/or Alameda.
- 16. All documents and work papers concerning the operations of any of the FTX Entities and/or Alameda, including, but not limited to, operating pro formas, uses

and sources of cash and investment proceeds, investment portfolios, status reports, budgets, and/or presentations concerning the performance of any of the FTX Entities and/or Alameda, as well as, any market research, profitability analyses, evaluations, and/or other reports prepared by you or for you by any investment bankers, research analysts, management consultants and/or other professional.

- 17. All documents and work papers concerning the formation and corporate governance of any of the FTX Entities and/or Alameda, including, but not limited to, articles of incorporation, articles of formation, by-laws, membership agreements, partnership agreements, certificates of good standing, charters for any and all board committees, compliance policies, anti-corruption policies, whistleblower policies, policies relating to conflicts of interest, insider trading policies, related party transaction policies, and codes of ethics.
- All documents and work papers concerning the implementation of accounting controls, financial controls, cash management controls and/or audit processes at any of the FTX Entities and/or Alameda, including, but not limited to audit committees, internal and/or external audits, audited and/or unaudited financial statements, general ledgers, policies and procedures concerning audits, asset allocation, liquidity forecasting, and disbursement controls, and other financial records for any of the FTX Entities and/or Alameda, and the engagement of, and services provided by, any accounting firm by and for any of the FTX Entities and/or Alameda, including, but not limited to Robert Lee & Associates, Prager Metis CPAs LLC and/or Armanino LLP.

- 19. Any documents evidencing updates, progress reports, or similar with respect to (1) your investments in FTX Entities and/or Alameda and (2) FTX Entities' and/or Alameda's financials.
- 20. All documents and work papers concerning North Dimension Inc, including, but not limited to, its ownership, employees, business purpose, and operations.
- 21. All documents and work papers concerning LedgerX LLC, including, but not limited to, its ownership, employees, business purpose, and operations.
- 22. All communications with any representative, employee, or agent of LedgerX LLC.
- 23. All documents and work papers concerning any transactions and/or transfers of fiat, cryptocurrency, or other assets between any of the FTX Entities, Alameda, and/or any director, control person, and/or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda, including, but not limited to, disbursements, donations, gifts, bonuses and other compensation, capital contributions, promissory notes, inter-company agreements, service agreements, and loan agreements.
- 24. All documents and work papers concerning risk management controls—and any exemptions or alterations thereto for, but not limited to, Alameda—at any of the FTX Entities and/or Alameda, including, but not limited to, policies and procedures concerning investment diversification, cryptocurrency products and other digital assets, derivative products, and leverage, including, but not limited to, the purported

- "risk engine" auto-liquidator and other protocols to prevent a user from becoming over-leveraged on any of the FTX Entities' platforms and/or the FTX Entities' purported policy prohibiting any user from maintaining a negative balance on their platforms.
- 25. All documents and work papers concerning regulatory compliance at any of the FTX Entities and/or Alameda, including, but not limited to, campaign finance regulations, licensure of the FTX Entities and/or Alameda in the jurisdictions in which each operates, including, but not limited to, money transmitter licenses, and the regulation of cryptocurrencies, tokens, and other digital assets—including the yield-bearing accounts offered by the FTX Entities—as securities.
- 26. All documents and work papers concerning any charitable, political and/or campaign contribution by any of the FTX Entities, Alameda, and/or any director, control person, and/or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda.
- 27. All documents and work papers concerning any internal complaints, including, but not limited to, "whistleblower" complaints, litigation, administrative or regulatory proceedings, investigations or governmental actions involving any of the FTX Entities and/or Alameda.
- 28. All documents and work papers concerning the custody, and/or safeguarding, of customer funds, including fiat, cryptocurrencies, and other digital assets, by any of

the FTX Entities and/or Alameda, including, but not limited to, the labeling of customer accounts as "for the benefit of" ("FBO") the customer, the segregation (or lack thereof) of customer funds from the FTX Entities' operating accounts, the storage of customer funds in digital wallets on the FTX Entities' platforms, and the ledgering and/or bookkeeping of those funds by any of the FTX Entities and/or Alameda.

- 29. All documents and work papers concerning the terms of service for any of the FTX Entities and use thereof by customers or investors.
- 30. All documents and work papers concerning FTT, including, but not limited to, FTT held by any of the FTX Entities and/or Alameda, and their use of FTT as collateral for loans and other transactions.
- 31. All documents and work papers concerning the real and tangible property held by any FTX Entity and/or Alameda, including, but not limited to, the location and use of such property, and any mortgages, deeds of trust, lease and/or security agreements for the properties, and transfers of such properties by, among, and between any FTX Entity, Alameda, and/or any director, control person, and/or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda.
- 32. All documents and work papers concerning the decision to post, preparation of any post, and posting on your website, social media platform, or any other public forum

of any statements concerning the FTX Entities, Alameda, any director, control person, or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda, and/or any of the Defendants.

- 33. All documents, work papers, and/or communications concerning the FTX Entities and/or Alameda you provided to or exchanged with:
  - a. Officers, directors, employees, and control persons of any of the FTX

    Entities and/or Alameda, including, but not limited to, Samuel BankmanFried, Caroline Ellison, Gary Wang, Nishad Singh, Constance Wang, Brett
    Harrison, Sam Trabucco, Zach Dexter, Ryne Miller, Ryan Salame, Dan
    Friedberg, and Ramnik Arora;
  - any actual or prospective customer of any of the FTX Entities and/or Alameda and/or any actual or prospective investor in any of the FTX Entities and/or Alameda; or
  - c. any of the Defendants.
- 34. To the extent not already produced in connection with any of the above requests, all work papers, communications, transcripts and/or recordings of any depositions, testimony, interviews, or statements you have provided concerning the FTX Entities and/or Alameda in any court, administrative proceedings, the Bankruptcy Actions, the Criminal Proceedings, or any other foreign or domestic forum or in response to any governmental agency request for discovery.

- All documents, communications, and work papers relating to fraud detection and anti-money laundering protection by you, including, but not limited to, policies, procedures, manuals, monitoring systems, including automated monitoring systems, even if generated by a third party, employed by you to detect, monitor, and/or prevent fraud, money laundering, and/or other misconduct by the companies and other entities in which you invest, including, but not limited to, Know Your Customer or Know Your Client (together, "KYC") obligations, policies, procedures and compliance; Know Your Business ("KYB") obligations, policies, procedures, and compliance; Customer Identification Program ("CIP") obligations, policies, procedures, and compliance; Bank Secrecy Act ("BSA") obligations, policies, procedures and compliance; risk management; and other due diligence.
- 36. All work papers, communications, and other documents concerning your decision to make the investment in the FTX Entities and/or Alameda, including but not limited to any meeting minutes, memoranda, or materials with respect to your internal committee or board discussions; and any meeting minutes, memoranda, or materials with respect to communications with Defendants.
- 37. Documents concerning any meetings between your directors, executives, employees, representatives, and/or agents and FTX's directors, executives, employees, representatives, and/or agents. This request includes but is not limited to any expense reports and calendar entries related to any such meetings.
- 38. All workpapers, communications, and other documents concerning your hiring and employment of Constance Wang.

- 39. Organizational charts for Sino Global Capital Limited, Sino Global Capital Holdings, Sino Global Capital Management, Liquid Value, Ryze Labs, and any other intermediate entities existing along the chain of ownership between or among the entities specifically named in this request and Matthew Graham or any other ultimate owner and/or shareholder.
- 40. All documents and work papers concerning your, Sino Global Capital Management's, and/or Liquid Value's formation and corporate governance, including, but not limited to, articles of incorporation, articles of formation, bylaws, membership agreements, partnership agreements, certificates of good standing, charters for any and all board committees, policies relating to conflicts of interest, insider trading policies, related party transaction policies, and codes of ethics.
- 41. Your, Sino Global Capital Management's, and Liquid Value's audited financial statements, including income statements, balance sheets and statements of cash flow, whether consolidated or unconsolidated.
- 42. Your, Sino Global Capital Management's, and Liquid Value's Federal and State (in whatever state they may be filed) tax returns and reporting information.
- 43. Documents concerning your, Sino Global Capital Management's, and/or Liquid Value's banking relationships in California and/or Florida.
- 44. All documents, work papers, or other discovery concerning any agreements or contracts between or among Sino Global Capital Limited, Sino Global Capital Holdings, LLC, Sino Global Capital Management, Liquid Value, and/or any owner

- of the foregoing, including, but not limited to, intercompany agreements, leaseback agreements, and/or shared services agreement.
- 45. All documents, work papers, or other discovery concerning property, personnel, or equipment provided to or shared by Sino Global Capital Limited, Sino Global Capital Holdings, LCC, Sino Global Capital Management, and/or Liquid Value.
- 46. All documents, work papers, or other discovery concerning your, Sino Global Capital Management's, and/or Liquid Value's operations in the United States, including, but not limited to, any offices and personnel located in California and Florida.
- 47. All documents, work papers, or other discovery concerning any registration by you, Sino Global Capital Management, and/or Liquid Value to conduct business in Florida or California.
- 48. All documents, work papers, or other discovery concerning your, Sino Global Capital Management's, and/or Liquid Value's operating, conducting, engaging in, or carrying on a business or business venture in Florida or California.
- 49. All documents, work papers, or other discovery concerning any place of business, office, facility, agency, or office that you, Sino Global Capital Management, and/or Liquid Value maintain in Florida or California.
- 50. All documents, work papers, or other discovery concerning your, Sino Global Capital Management's, and/or Liquid Value's physical operations in Florida or California.

51. All documents, work papers, or other discovery concerning your, Sino Global Capital Management's, and/or Liquid Value's business in, or soliciting business within, Florida or California.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

# PLAINTIFFS' FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT TEMASEK HOLDINGS (PRIVATE) LIMITED

Plaintiffs in the above-titled action, pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, and Local Rule 26.1 of the United States District Court for the Southern District of Florida, request that Defendant Temasek Holdings (Private) Limited, respond to the enclosed Interrogatories and produce all documents, electronically stored information, and things that are in your possession, custody, or control requested in response to the following Requests for Production.

Respectfully submitted on November , 2023

#### Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

THE MOSKOWITZ LAW FIRM, PLLC

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By: /s/ David Boies

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Robert Lieff P.O. Drawer A Rutherford, CA 94573 rlieff@lieff.com	

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November \_\_\_\_, 2023, a true and correct copy of the foregoing was served via email to all counsel of record.

By: /s/ Adam M. Moskowitz
Adam M. Moskowitz

# **DEFINITIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Alameda" refers to Alameda Research LLC, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform), predecessors (including acquired entities or lines of business), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to Alameda herein.
- 2. "All/Each" and "And/Or" The terms "all", "each", "and" and "or" shall be construed as meaning either all or each as necessary, or conjunctively, to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 3. "Bankruptcy Actions" refers to Case No. 22-11068 (JTD) (Jointly Administered) pending in the United States Bankruptcy Court for the District of Delaware, and all bankruptcy proceedings filed in or after November 2022 on behalf of any of the FTX Entities and/or Alameda, and all adversary proceedings filed in connection therewith.
- 4. "Communication" means, without limitation, the transmittal of information in the form of facts, ideas, inquiries or otherwise, and whether orally or in writing, or by any other means or medium, including in person, electronically and/or by exchange or communication of any document, and includes, without limitation,

correspondence, memoranda, reports, presentations, face-to-face conversations, telephone conversations, text messages, instant messages, voice messages, negotiations, Agreements, inquiries, understandings, meetings, letters, notes, telegrams, mail, email, exchanges of recorded information, and postings of any type. The term "Communication" includes instances where one party disseminates information that the other party receives but does not respond to.

- 5. "Concerning" means relating to, referring to, describing, evidencing or constituting.
- 6. "Control person" means a person (as defined herein) in direct or indirect possession of the power to direct or cause the direction of the management and policies of a person (as defined herein), whether through the ownership of voting securities, by contract, or otherwise.
- 7. "Creditors" refers to all creditors in the Bankruptcy Actions, including, but not limited to, any committees of such creditors.
- 8. "Criminal Proceedings" refers to *United States v. Sam Bankman-Fried*, 1:22-CR-00673 pending in the Southern District of New York, and all criminal proceedings filed in or after November 2022 relating to the FTX Entities and/or Alameda.
- 9. "Debtors" refers to all FTX Entities and/or Alameda that have filed petitions for bankruptcy protection in the Bankruptcy Actions. When referring to the FTX Entities and/or Alameda in the Requests, the Requests cover the periods both prior to, and after, their filing of any of the Bankruptcy Actions.
- 10. "Defendants" refers to any and all persons and/or entities named as defendants in any of the actions consolidated with, and into, the above-captioned action. For

- purposes of these Requests, Defendants also includes Silvergate Capital Corporation (a/k/a Silvergate Bank) and Signature Bank.
- 11. "Document" refers to any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including, but not limited to, memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, text messages, instant messages (including, but not limited to, messages exchanged or sent using Slack, Teams, Discord, WhatsApp, Signal or any other similar application), transcripts, studies, analyses, tests, books, articles, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, questionnaires, surveys, charts, graphs, videos, photographs, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof. To the extent not already covered in the above definition, "Document" specifically includes any "writing", "recording", "photograph", "original" or "duplicate" as defined in Rule 1001 of the Federal Rules of Evidence, and/or "Electronically Stored Information" within the full scope of Rule 34 of the Federal Rules of Civil Procedure and/or as further defined as "ESI" herein.
- 12. "ESI" refers to Electronically Stored Information, as consistent with Rule 34 of the Federal Rules of Civil Procedure and includes all computer or electronically stored or generated data and information, including all attachments to and enclosures

within any requested item, and all drafts thereof. ESI includes all information and documents stored in any format and on any storage media, including, but not limited to: internal and external storage devices, hard drives, flash drives; and magnetic tape, whether fixed, portable or removable, and ESI further includes, but is not limited to, electronic spreadsheets, electronic presentation documents, e-mail messages, text messages, message platforms (including, but not limited to, Slack, Teams, Discord, WhatsApp, Telegram, Messenger, Signal or any other similar platforms where chat messages are exchanged); image files; sound files; material or information stored in a database or accessible from a database (including, but not limited to, Salesforce, Azure Cloud, or SQL databases). Responsive ESI may also include data on social media websites (e.g., LinkedIn, Facebook, Twitter, Instagram, and internal intranet social media). To the extent that a document or ESI contains tracked changes, comments, or other hidden text, the document or ESI should be imaged with that hidden text displayed. ESI also includes all associated metadata that is maintained or saved (including for example, author, recipient, file creation date, file modification date, etc.). Metadata preservation includes preserving parent-child relationships within a document family (the association between an attachment and its parents' document or between embedded documents and their parent). The entire document and attachments will be produced, except any attachments that may be withheld or redacted on the basis of any protection or privilege, work product, or other applicable protection. Best efforts shall be made to ensure that the parent-child relationships within a document family (the association between an attachment and its parent document) are preserved and that

- such responsive child document(s) should be consecutively produced immediately after the responsive parent document.
- 13. "FTT" refers to the digital token created by the FTX Entities.
- 14. "FTX Entities" refers to FTX Trading and/or FTX US.
- 15. "FTX Trading" refers to FTX Trading Ltd. d/b/a FTX Trading, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX Trading herein.
- 16. "FTX US" refers to West Realm Shires Services Inc. d/b/a FTX US, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX US herein.

- 17. "LedgerX LLC" refers to LedgerX LLC d/b/a FTX US Derivatives or FTX Derivatives.
- 18. "Liquidators" refers to all liquidators in the Bankruptcy Actions, including, but not limited to, the Joint Provisional Liquidators of FTX Digital Markets Ltd.
- 19. "Person" or "People" refers to any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 20. "Trustee" refers to the U.S. Trustee assigned in the Bankruptcy Actions, including any of the Trustee's employee or agents, including any examiner appointed in the Bankruptcy Actions.
- 21. "Work Papers" refers to all documents, including drafts, organizational charts, spreadsheets, and other data, prepared, maintained and/or obtained by you concerning the planning, procedures performed, information obtained, and conclusions reached in connection with any investment, or potential investment, in any of the FTX Entities and/or Alameda. "Work Papers" also includes documents that you have in your possession, custody or control that were prepared, maintained and/or obtained by you concerning the FTX Entities and/or Alameda that were prepared or obtained from any of the FTX Entities and/or Alameda or any other persons or entities investing in or providing accounting, auditing, or consulting services to the FTX Entities and/or Alameda.
- 22. "You" or "Your" shall refer to the Defendant responding to these requests, its predecessors, successors, subsidiaries, departments divisions, and/or affiliates, including, but not limited to, any funds or other investment vehicles held by the Defendant responding or in which the Defendant responding is a member or other

owner, its international, national or local branches or offices, including, but not limited to Temasek International (USA) LLC, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd. and current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of the responding Defendant.

- 23. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- 24. Defined terms may or may not be capitalized or made uppercase; the given definitions apply even if a term in question is not capitalized or made uppercase. No waiver of a definition is implied by the use of a defined term in a non-capitalized or lowercase form.

# **INSTRUCTIONS**

- Production of documents and items requested herein shall be made at the offices of
  The Moskowitz Law Firm, P.O. Box 653409, Miami, FL 33133, or via electronic
  mail to the email addresses provided in the signature blocks of the attorneys serving
  these requests.
- Unless otherwise stated in a request, the time period for which you must respond is
   January 1, 2019, through the date of production.
- 3. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds for the objection and respond to the Request to the extent it is not objectionable. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 4. These requests shall include all documents that are in your possession, custody or control or in the possession, custody or control of your present or former agents, representatives, or your attorneys, or any and all persons acting on your behalf, or your present or former agents, representatives, or attorneys.
- 5. For any document, or portion thereof, covered by a request that is withheld from production (or redacted in whole or in part) under claim of privilege, work product protection or any other basis, you shall provide the following information in the form of a privilege log:
  - a. the reasons and each and every fact supporting any withholding, and legal basis for withholding the document including sufficient facts for the Court to make a full determination as to whether the claim of privilege is valid;

- b. the date such document was prepared;
- c. the names, employment positions and addresses of the author or preparers of such document;
- d. the names, employment positions, and the addresses of each person who received such document;
- e. the title, a brief description, and the subject matter of the document;
- f. the number of the request under which such document would be produced but for the objection; and
- g. description of the subject matter sufficient to determine whether the privilege is properly invoked (without revealing privileged information)
- 6. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;
  - e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
- 7. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.

- 8. These requests should be deemed continuing such that if you, your directors, officers, employees, agents, representatives, or any person acting on your behalf, subsequently discover or obtain possession, custody, or control of any document or ESI previously requested or required to be produced, you should make a supplemental production of such document or ESI. Supplemental productions should be provided on a rolling basis as additional documents become available.
- 9. All documents that cannot be accurately represented in TIFF format (such as spreadsheets, computer slide presentations, audio files, video files, and other similar file types) shall be provided in native format. The parties will further meet and confer regarding appropriate format of production for databases and structured data (e.g., Microsoft Teams, Slack, Microsoft Access, Azure Cloud, Salesforce, Oracle, or other ephemeral messaging or proprietary database systems).
- 10. In responding to these Document Requests, you are to include Documents:
  - a. obtained from witnesses who gave information to any governmental agency or investigatory body;
  - b. that constitute, or refer or relate to, summaries of testimony or other statements in connection with any governmental agency or investigatory body proceeding or investigation; or
  - obtained on your behalf by counsel in preparing for testimony or interviews
     before any governmental agency or investigatory body.
- 11. All documents are to be produced in the following method if not produced in its Native Format:
  - a. Single page .TIFF images

- b. Color.jpg (documents wherein reflection of importance relies on color, shall
   be produced in .jpg format)
- c. Document level Text Files containing extracted full text or OCR text
- d. Electronic documents, e-mails, text or instant messages are to be processed and converted from the electronic format to single page tiff.

# **INTERROGATORIES**

# **INTERROGATORY NO. 1:**

Please identify all current and former owners of Temasek International USA LLC, Temasek Holdings Private Limited, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd., including the ownership percentage held by each owner identified in response to this Interrogatory No. 1.

# **INTERROGATORY NO. 2:**

Please identify the directors on the boards of Temasek International USA LLC, Temasek Holdings Private Limited, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd.

#### **INTERROGATORY NO. 3:**

Please identify the directors, executives, employees, representatives, and/or agents of Temasek International USA LLC, Temasek Holdings Private Limited, Artz Fund Investments Pte. Ltd., Temasek International Pte. Ltd., and/or any other Temasek-affiliated entity having any role with respect to the decision to invest in FTX, any due diligence involved in such decision, negotiations related to the investment in FTX, the actual investment in FTX, and/or any ongoing monitoring of FTX in the wake of the investment. In doing so, please provide their home address(es), titles and descriptions of their role(s) with respect to the Temasek-affiliated entity in question, their office address(es), their work phone number(s), and their work email address(es).

#### **INTERROGATORY NO. 4:**

Please identify the entity that pays the salaries or any other compensation of the personnel listed in response to Interrogatory No. 3.

# **INTERROGATORY NO. 5:**

Please identify the entity that pays the expenses and/or losses of Temasek International USA LLC, Temasek Holdings Private Limited, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd.

# **INTERROGATORY NO. 6:**

Please describe the business of, and how such business is conveyed to, Temasek International USA LLC, Temasek Holdings Private Limited, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd.

#### **INTERROGATORY NO. 7:**

Please identify the executives, directors, employees, and/or representatives of Temasek International USA LLC, Temasek Holdings Private Limited, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd. who participated in responding to these discovery requests.

# **REQUESTS FOR PRODUCTION**

- 1. All workpapers, communications, and other documents concerning subscription agreements, membership agreements, partnership agreements, and/or other agreements between you and any of the FTX Entities, Alameda or any of the Defendants relating to any of the FTX Entities and/or Alameda.
- 2. All communications between you and any of the FTX Entities, Alameda, or any of the Defendants concerning any of the FTX Entities and/or Alameda.
- 3. All work papers, communications, and other documents concerning the Series B and B-1 funding of FTX Trading, which closed in October 2021, including, but not limited to, offering memoranda, offering circulars, prospectuses, pitch decks,

- capitalization tables, diligence memoranda, reports, opinions, and other diligence materials concerning any of the FTX Entities and/or Alameda.
- 4. All work papers, communications, and other documents concerning the Series C funding of FTX Trading, which closed in January 2022, including, but not limited to, offering memoranda, offering circulars, prospectuses, pitch decks, capitalization tables, diligence memoranda, reports, opinions, and other diligence materials concerning any of the FTX Entities and/or Alameda.
- 5. All work papers, communications, and other documents concerning the Series A funding of FTX US, which closed in January 2022, including, but not limited to, offering memoranda, offering circulars, prospectuses, pitch decks, capitalization tables, diligence memoranda, reports, opinions, and other diligence materials concerning any of the FTX Entities and/or Alameda.
- 6. Documents evidencing wire transfers or other payments, or instructions related to the foregoing, for any payments from you to any of the FTX Entities and/or Alameda *or* from any of the FTX Entities and/or Alameda to you.
- 7. Documents and communications concerning your due diligence efforts undertaken by you or on your behalf in conjunction with potential or actual investments in or with FTX Entities and/or Alameda, whether such efforts were undertaken before the investment or following the investment in the form of continued monitoring, tracking, or management.
- 8. Contracts for any legal services you sought or obtained in relation to the FTX Entities and/or Alameda.

- 9. All work papers, communications, and other documents concerning your membership and service on the board, including any advisory board, of any of the FTX Entities and/or Alameda, including, but not limited to, calendar entries, agendas, presentations, and minutes of any and all meetings of such board.
- 10. All work papers, communications, and other documents concerning the membership and service on your board, including any advisory board, by any of the FTX Entities and/or Alameda, including, but not limited to, agendas, presentations, and minutes of any and all meetings of such board.
- 11. All work papers, communications, and other documents concerning any of the FTX Entities and/or Alameda that were prepared or maintained in connection with, and/or referred to, your investments in, or any other potential investments in, loans to, or financings for, any of the FTX Entities and/or Alameda.
- 12. All documents concerning any working group lists, or the names and contact information for all persons or entities, you received, prepared, or maintained in connection with your investments, or potential investments, in any of the FTX Entities and/or Alameda, including, but not limited to, persons in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management), directors, and/or other personnel involved in the Series A, Series B, Series B-1, Series C, and/or any other funding for, investment in, or potential investment in any of the FTX Entities and/or Alameda.

- 13. All documents and work papers concerning the operations of any of the FTX Entities and/or Alameda, including, but not limited to, operating pro formas, uses and sources of cash and investment proceeds, investment portfolios, status reports, budgets, and/or presentations concerning the performance of any of the FTX Entities and/or Alameda, as well as, any market research, profitability analyses, evaluations, and/or other reports prepared by you or for you by any investment bankers, research analysts, management consultants and/or other professional.
- 14. All documents and work papers concerning the formation and corporate governance of any of the FTX Entities and/or Alameda, including, but not limited to, articles of incorporation, articles of formation, by-laws, membership agreements, partnership agreements, certificates of good standing, charters for any and all board committees, compliance policies, anti-corruption policies, whistleblower policies, policies relating to conflicts of interest, insider trading policies, related party transaction policies, and codes of ethics.
- 15. All documents and work papers concerning the implementation of accounting controls, financial controls, cash management controls and/or audit processes at any of the FTX Entities and/or Alameda, including, but not limited to audit committees, internal and/or external audits, audited and/or unaudited financial statements, general ledgers, policies and procedures concerning audits, asset allocation, liquidity forecasting, and disbursement controls, and other financial records for any of the FTX Entities and/or Alameda, and the engagement of, and services provided by, any accounting firm by and for any of the FTX Entities and/or Alameda,

- including, but not limited to Robert Lee & Associates, Prager Metis CPAs LLC and/or Armanino LLP.
- 16. Any documents evidencing updates, progress reports, or similar with respect to (1) your investments in FTX Entities and/or Alameda and (2) FTX Entities' and/or Alameda's financials.
- 17. All documents and work papers concerning North Dimension Inc, including, but not limited to, its ownership, employees, business purpose, and operations.
- 18. All documents and work papers concerning LedgerX LLC, including, but not limited to, its ownership, employees, business purpose, and operations.
- 19. All communications with any representative, employee, or agent of LedgerX LLC.
- 20. All documents and work papers concerning any transactions and/or transfers of fiat, cryptocurrency, or other assets between any of the FTX Entities, Alameda, and/or any director, control person, and/or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda, including, but not limited to, disbursements, donations, gifts, bonuses and other compensation, capital contributions, promissory notes, inter-company agreements, service agreements, and loan agreements.
- 21. All documents and work papers concerning risk management controls—and any exemptions or alterations thereto for, but not limited to, Alameda—at any of the FTX Entities and/or Alameda, including, but not limited to, policies and procedures

concerning investment diversification, cryptocurrency products and other digital assets, derivative products, and leverage, including, but not limited to, the purported "risk engine" auto-liquidator and other protocols to prevent a user from becoming over-leveraged on any of the FTX Entities' platforms and/or the FTX Entities' purported policy prohibiting any user from maintaining a negative balance on their platforms.

- 22. All documents and work papers concerning regulatory compliance at any of the FTX Entities and/or Alameda, including, but not limited to, campaign finance regulations, licensure of the FTX Entities and/or Alameda in the jurisdictions in which each operates, including, but not limited to, money transmitter licenses, and the regulation of cryptocurrencies, tokens, and other digital assets—including the yield-bearing accounts offered by the FTX Entities—as securities.
- 23. All documents and work papers concerning any charitable, political and/or campaign contribution by any of the FTX Entities, Alameda, and/or any director, control person, and/or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda.
- 24. All documents and work papers concerning any internal complaints, including, but not limited to, "whistleblower" complaints, litigation, administrative or regulatory proceedings, investigations or governmental actions involving any of the FTX Entities and/or Alameda.

- 25. All documents and work papers concerning the custody, and/or safeguarding, of customer funds, including fiat, cryptocurrencies, and other digital assets, by any of the FTX Entities and/or Alameda, including, but not limited to, the labeling of customer accounts as "for the benefit of" ("FBO") the customer, the segregation (or lack thereof) of customer funds from the FTX Entities' operating accounts, the storage of customer funds in digital wallets on the FTX Entities' platforms, and the ledgering and/or bookkeeping of those funds by any of the FTX Entities and/or Alameda.
- 26. All documents and work papers concerning the terms of service for any of the FTX Entities and use thereof by customers or investors.
- 27. All documents and work papers concerning FTT, including, but not limited to, FTT held by any of the FTX Entities and/or Alameda, and their use of FTT as collateral for loans and other transactions.
- All documents and work papers concerning the real and tangible property held by any FTX Entity and/or Alameda, including, but not limited to, the location and use of such property, and any mortgages, deeds of trust, lease and/or security agreements for the properties, and transfers of such properties by, among, and between any FTX Entity, Alameda, and/or any director, control person, and/or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda.

- 29. All documents relating to your "interactions" with Sam Bankman-Fried and others affiliated with FTX Entities, Alameda, North Dimension Inc., and/or LedgerX LLC as referenced by you on your website. *See* Temasek, "FTX Statement and FAQs" (26 November 2022), *available at* <a href="https://www.temasek.com.sg/en/news-and-resources/news-room/statements/2022/statement-FTX">https://www.temasek.com.sg/en/news-and-resources/news-room/statements/2022/statement-FTX</a> (last visited October 11, 2023).
- 30. All documents and work papers concerning the "qualitative feedback" you gathered from "people familiar with the company, including industry employees, industry participants, and other investors" concerning any of the FTX Entities and/or Alameda, which you reference on your website. <sup>1</sup>
- 31. All documents and work papers concerning your "engage[ment of] management on business strategy" and your "monitor[ing] of [the] performance" of any of the FTX Entities and/or Alameda, which you reference on your website.<sup>2</sup>
- 32. All documents and work papers concerning the decision to post, preparation of any post, and posting on your website, social media platform, or any other public forum of any statements concerning the FTX Entities, Alameda, any director, control person, or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive

<sup>&</sup>lt;sup>1</sup>See https://www.temasek.com.sg/en/news-and-resources/news-room/statements/2022/statement-FTX#how-did-Temasek-come-to-invest-in-FTX

<sup>&</sup>lt;sup>2</sup>See https://www.temasek.com.sg/en/news-and-resources/news-room/statements/2022/statement-FTX#how-did-Temasek-come-to-invest-in-FTX

- vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda, and/or any of the Defendants.
- 33. All documents, work papers, and/or communications concerning the FTX Entities and/or Alameda you provided to or exchanged with:
  - a. Officers, directors, employees, and control persons of any of the FTX

    Entities and/or Alameda, including, but not limited to, Samuel BankmanFried, Caroline Ellison, Gary Wang, Nishad Singh, Brett Harrison, Sam

    Trabucco, Zach Dexter, Ryne Miller, Ryan Salame, Dan Friedberg, Ramnik

    Arora, and Constance Wang;
  - any actual or prospective customer of any of the FTX Entities and/or Alameda and/or any actual or prospective investor in any of the FTX Entities and/or Alameda; or
  - c. any of the Defendants.
- 34. To the extent not already produced in connection with any of the above requests, all work papers, communications, transcripts and/or recordings of any depositions, testimony, interviews, or statements you have provided concerning the FTX Entities and/or Alameda in any court, administrative proceedings, the Bankruptcy Actions, Criminal Proceedings, or any other foreign or domestic forum or in response to any governmental agency request for discovery.
- 35. All documents, communications, and work papers relating to fraud detection and anti-money laundering protection by you, including, but not limited to, policies, procedures, manuals, monitoring systems, including automated monitoring systems, even if generated by a third party, employed by you to detect, monitor,

and/or prevent fraud, money laundering, and/or other misconduct by the companies and other entities in which you invest, including, but not limited to, Know Your Customer or Know Your Client (together, "KYC") obligations, policies, procedures and compliance; Know Your Business ("KYB") obligations, policies, procedures, and compliance; Anti-Money Laundering ("AML") obligations, policies, procedures, and compliance; Customer Identification Program ("CIP") obligations, policies, procedures, and compliance; Bank Secrecy Act ("BSA") obligations, policies, procedures and compliance; risk management; and other due diligence.

- 36. All work papers, communications, and other documents concerning your decision to make the investment in the FTX Entities and/or Alameda, including but not limited to any meeting minutes, memoranda, or materials with respect to your internal committee or board discussions; and any meeting minutes, memoranda, or materials with respect to communications with Defendants.
- 37. Documents concerning any meetings between your directors, executives, employees, representatives, and/or agents and FTX's directors, executives, employees, representatives, and/or agents. This request includes but is not limited to any expense reports and calendar entries related to any such meetings.
- 38. Organizational charts for Temasek Holdings (Private) Limited, Temasek International (USA) LLC, Artz Fund Investments Pte. Ltd., Temasek International Pte. Ltd., and any other intermediate entities existing along the chain of ownership between or among the entities specifically named in this request.
- 39. All documents and work papers concerning your formation, organization, and corporate governance, including, but not limited to, articles of incorporation,

- articles of formation, by-laws, board minutes, consents, membership agreements, partnership agreements, certificates of good standing, registrations to do business, licenses, charters for any and all board committees, policies relating to conflicts of interest, insider trading policies, related party transaction policies, and codes of ethics.
- 40. Your audited financial statements, including income statements, balance sheets and statements of cash flow, whether consolidated or unconsolidated.
- 41. Your Federal and State (California, New York, Washington, D.C. and/or Florida) tax returns and reporting information.
- 42. Documents concerning your banking relationships in California, New York, Washington, D.C., and/or Florida.
- 43. All documents, work papers, or other discovery concerning any agreements between Temasek Holdings (Private) Limited, Temasek International (USA) LLC, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd., including, but not limited to, intercompany agreements, lease-back agreements, and/or shared services agreement.
- 44. All documents, work papers, or other discovery concerning property, personnel, or equipment provided to or shared by Temasek Holdings (Private) Limited, Temasek International (USA) LLC, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd.
- 45. All documents, work papers, or other discovery concerning your operations in the United States, including, but not limited to, your offices and personnel located in New York, New York, San Francisco, California, and Washington, D.C.

46. Documents related to your investments in any businesses that have offices or operations in Florida and/or California.

### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MDL No. 3076 CASE NO. 1:23-md-03076-KMM

In Re: FTX Cryptocurrency Exchange Collapse Litigation

## PLAINTIFFS' FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT TEMASEK INTERNATIONAL USA LLC

Plaintiffs in the above-titled action, pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, and Local Rule 26.1 of the United States District Court for the Southern District of Florida, request that Defendant Temasek International USA LLC, respond to the enclosed Interrogatories and produce all documents, electronically stored information, and things that are in your possession, custody, or control requested in response to the following Requests for Production.

Respectfully submitted on November \_\_\_\_\_, 2023

### Plaintiffs' Co-Lead Counsel

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

THE MOSKOWITZ LAW FIRM, PLLC

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By: /s/ David Boies

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Robert Lieff P.O. Drawer A Rutherford, CA 94573 rlieff@lieff.com		

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November \_\_\_\_, 2023, a true and correct copy of the foregoing was served via email to all counsel of record.

By: /s/ Adam M. Moskowitz
Adam M. Moskowitz

### **DEFINITIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Alameda" refers to Alameda Research LLC, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform), predecessors (including acquired entities or lines of business), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to Alameda herein.
- 2. "All/Each" and "And/Or" The terms "all", "each", "and" and "or" shall be construed as meaning either all or each as necessary, or conjunctively, to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 3. "Bankruptcy Actions" refers to Case No. 22-11068 (JTD) (Jointly Administered) pending in the United States Bankruptcy Court for the District of Delaware, and all bankruptcy proceedings filed in or after November 2022 on behalf of any of the FTX Entities and/or Alameda, and all adversary proceedings filed in connection therewith.
- 4. "Communication" means, without limitation, the transmittal of information in the form of facts, ideas, inquiries or otherwise, and whether orally or in writing, or by any other means or medium, including in person, electronically and/or by exchange or communication of any document, and includes, without limitation,

correspondence, memoranda, reports, presentations, face-to-face conversations, telephone conversations, text messages, instant messages, voice messages, negotiations, Agreements, inquiries, understandings, meetings, letters, notes, telegrams, mail, email, exchanges of recorded information, and postings of any type. The term "Communication" includes instances where one party disseminates information that the other party receives but does not respond to.

- 5. "Concerning" means relating to, referring to, describing, evidencing or constituting.
- 6. "Control person" means a person (as defined herein) in direct or indirect possession of the power to direct or cause the direction of the management and policies of a person (as defined herein), whether through the ownership of voting securities, by contract, or otherwise.
- 7. "Creditors" refers to all creditors in the Bankruptcy Actions, including, but not limited to, any committees of such creditors.
- 8. "Criminal Proceedings" refers to *United States v. Sam Bankman-Fried*, 1:22-CR-00673 pending in the Southern District of New York, and all criminal proceedings filed in or after November 2022 relating to the FTX Entities and/or Alameda.
- 9. "Debtors" refers to all FTX Entities and/or Alameda that have filed petitions for bankruptcy protection in the Bankruptcy Actions. When referring to the FTX Entities and/or Alameda in the Requests, the Requests cover the periods both prior to, and after, their filing of any of the Bankruptcy Actions.
- 10. "Defendants" refers to any and all persons and/or entities named as defendants in any of the actions consolidated with, and into, the above-captioned action. For

- purposes of these Requests, Defendants also includes Silvergate Capital Corporation (a/k/a Silvergate Bank) and Signature Bank.
- 11. "Document" refers to any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including, but not limited to, memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, text messages, instant messages (including, but not limited to, messages exchanged or sent using Slack, Teams, Discord, WhatsApp, Signal or any other similar application), transcripts, studies, analyses, tests, books, articles, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, questionnaires, surveys, charts, graphs, videos, photographs, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof. To the extent not already covered in the above definition, "Document" specifically includes any "writing", "recording", "photograph", "original" or "duplicate" as defined in Rule 1001 of the Federal Rules of Evidence, and/or "Electronically Stored Information" within the full scope of Rule 34 of the Federal Rules of Civil Procedure and/or as further defined as "ESI" herein.
- 12. "ESI" refers to Electronically Stored Information, as consistent with Rule 34 of the Federal Rules of Civil Procedure and includes all computer or electronically stored or generated data and information, including all attachments to and enclosures

within any requested item, and all drafts thereof. ESI includes all information and documents stored in any format and on any storage media, including, but not limited to: internal and external storage devices, hard drives, flash drives; and magnetic tape, whether fixed, portable or removable, and ESI further includes, but is not limited to, electronic spreadsheets, electronic presentation documents, e-mail messages, text messages, message platforms (including, but not limited to, Slack, Teams, Discord, WhatsApp, Telegram, Messenger, Signal or any other similar platforms where chat messages are exchanged); image files; sound files; material or information stored in a database or accessible from a database (including, but not limited to, Salesforce, Azure Cloud, or SQL databases). Responsive ESI may also include data on social media websites (e.g., LinkedIn, Facebook, Twitter, Instagram, and internal intranet social media). To the extent that a document or ESI contains tracked changes, comments, or other hidden text, the document or ESI should be imaged with that hidden text displayed. ESI also includes all associated metadata that is maintained or saved (including for example, author, recipient, file creation date, file modification date, etc.). Metadata preservation includes preserving parent-child relationships within a document family (the association between an attachment and its parents' document or between embedded documents and their parent). The entire document and attachments will be produced, except any attachments that may be withheld or redacted on the basis of any protection or privilege, work product, or other applicable protection. Best efforts shall be made to ensure that the parent-child relationships within a document family (the association between an attachment and its parent document) are preserved and that

- such responsive child document(s) should be consecutively produced immediately after the responsive parent document.
- 13. "FTT" refers to the digital token created by the FTX Entities.
- 14. "FTX Entities" refers to FTX Trading and/or FTX US.
- 15. "FTX Trading" refers to FTX Trading Ltd. d/b/a FTX Trading, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or trading platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX Trading herein.
- 16. "FTX US" refers to West Realm Shires Services Inc. d/b/a FTX US, including, but not limited to, its past and present subsidiaries, affiliates, divisions, segments (including any mobile application and/or web-based cryptocurrency investment services or platform, such as FTX.com), predecessors (including acquired entities or lines of business such as Blockfolio, Inc.), successors, directors, officers, employees, representatives and/or agents. No specific reference to any of the foregoing in the following Requests, including any specific reference to Samuel Bankman-Fried, Caroline Ellison, Gary Wang, or Nishad Singh, serves to limit the scope of any reference to FTX US herein.

- 17. "LedgerX LLC" refers to LedgerX LLC d/b/a FTX US Derivatives or FTX Derivatives.
- 18. "Liquidators" refers to all liquidators in the Bankruptcy Actions, including, but not limited to, the Joint Provisional Liquidators of FTX Digital Markets Ltd.
- 19. "Person" or "People" refers to any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 20. "Trustee" refers to the U.S. Trustee assigned in the Bankruptcy Actions, including any of the Trustee's employee or agents, including any examiner appointed in the Bankruptcy Actions.
- 21. "Work Papers" refers to all documents, including drafts, organizational charts, spreadsheets, and other data, prepared, maintained and/or obtained by you concerning the planning, procedures performed, information obtained, and conclusions reached in connection with any investment, or potential investment, in any of the FTX Entities and/or Alameda. "Work Papers" also includes documents that you have in your possession, custody or control that were prepared, maintained and/or obtained by you concerning the FTX Entities and/or Alameda that were prepared or obtained from any of the FTX Entities and/or Alameda or any other persons or entities investing in or providing accounting, auditing, or consulting services to the FTX Entities and/or Alameda.
- 22. "You" or "Your" shall refer to the Defendant responding to these requests, its predecessors, successors, subsidiaries, departments divisions, and/or affiliates, including, but not limited to, any funds or other investment vehicles held by the Defendant responding or in which the Defendant responding is a member or other

owner, its international, national or local branches or offices, including, but not limited to Temasek Holdings Private Limited, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd. and current and prior partners, officers, directors, employees, representatives, agents or any persons acting or purporting to act on behalf of the responding Defendant.

- 23. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- 24. Defined terms may or may not be capitalized or made uppercase; the given definitions apply even if a term in question is not capitalized or made uppercase. No waiver of a definition is implied by the use of a defined term in a non-capitalized or lowercase form.

### **INSTRUCTIONS**

- Production of documents and items requested herein shall be made at the offices of
  The Moskowitz Law Firm, P.O. Box 653409, Miami, FL 33133, or via electronic
  mail to the email addresses provided in the signature blocks of the attorneys serving
  these requests.
- 2. Unless otherwise stated in a request, the time period for which you must respond is January 1, 2019, through the date of production.
- 3. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds for the objection and respond to the Request to the extent it is not objectionable. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 4. These requests shall include all documents that are in your possession, custody or control or in the possession, custody or control of your present or former agents, representatives, or your attorneys, or any and all persons acting on your behalf, or your present or former agents, representatives, or attorneys.
- 5. For any document, or portion thereof, covered by a request that is withheld from production (or redacted in whole or in part) under claim of privilege, work product protection or any other basis, you shall provide the following information in the form of a privilege log:
  - a. the reasons and each and every fact supporting any withholding, and legal basis for withholding the document including sufficient facts for the Court to make a full determination as to whether the claim of privilege is valid;

- b. the date such document was prepared;
- c. the names, employment positions and addresses of the author or preparers of such document;
- d. the names, employment positions, and the addresses of each person who received such document;
- e. the title, a brief description, and the subject matter of the document;
- f. the number of the request under which such document would be produced but for the objection; and
- g. description of the subject matter sufficient to determine whether the privilege is properly invoked (without revealing privileged information)
- 6. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;
  - e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
- 7. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.

- 8. These requests should be deemed continuing such that if you, your directors, officers, employees, agents, representatives, or any person acting on your behalf, subsequently discover or obtain possession, custody, or control of any document or ESI previously requested or required to be produced, you should make a supplemental production of such document or ESI. Supplemental productions should be provided on a rolling basis as additional documents become available.
- 9. All documents that cannot be accurately represented in TIFF format (such as spreadsheets, computer slide presentations, audio files, video files, and other similar file types) shall be provided in native format. The parties will further meet and confer regarding appropriate format of production for databases and structured data (e.g., Microsoft Teams, Slack, Microsoft Access, Azure Cloud, Salesforce, Oracle, or other ephemeral messaging or proprietary database systems).
- 10. In responding to these Document Requests, you are to include Documents:
  - a. obtained from witnesses who gave information to any governmental agency or investigatory body;
  - b. that constitute, or refer or relate to, summaries of testimony or other statements in connection with any governmental agency or investigatory body proceeding or investigation; or
  - obtained on your behalf by counsel in preparing for testimony or interviews
     before any governmental agency or investigatory body.
- 11. All documents are to be produced in the following method if not produced in its Native Format:
  - a. Single page .TIFF images

- b. Color.jpg (documents wherein reflection of importance relies on color, shall
   be produced in .jpg format)
- c. Document level Text Files containing extracted full text or OCR text
- d. Electronic documents, e-mails, text or instant messages are to be processed and converted from the electronic format to single page tiff.

### **INTERROGATORIES**

### **INTERROGATORY NO. 1:**

Please identify all current and former owners of Temasek International USA LLC, Temasek Holdings Private Limited, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd., including the ownership percentage held by each owner identified in response to this Interrogatory No. 1.

### **INTERROGATORY NO. 2:**

Please identify the directors on the boards of Temasek International USA LLC, Temasek Holdings Private Limited, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd.

### **INTERROGATORY NO. 3:**

Please identify the directors, executives, employees, representatives, and/or agents of Temasek International USA LLC, Temasek Holdings Private Limited, Artz Fund Investments Pte. Ltd., Temasek International Pte. Ltd., and/or any other Temasek-affiliated entity having any role with respect to the decision to invest in FTX, any due diligence involved in such decision, negotiations related to the investment in FTX, the actual investment in FTX, and/or any ongoing monitoring of FTX in the wake of the investment. In doing so, please provide their home address(es), titles and descriptions of their role(s) with respect to the Temasek-affiliated entity in question, their office address(es), their work phone number(s), and their work email address(es).

### **INTERROGATORY NO. 4:**

Please identify the entity that pays the salaries or any other compensation of the personnel listed in response to Interrogatory No. 3.

### **INTERROGATORY NO. 5:**

Please identify the entity that pays the expenses and/or losses of Temasek International USA LLC, Temasek Holdings Private Limited, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd.

### **INTERROGATORY NO. 6:**

Please describe the business of, and how such business is conveyed to, Temasek International USA LLC, Temasek Holdings Private Limited, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd.

### **INTERROGATORY NO. 7:**

Please identify the executives, directors, employees, and/or representatives of\_Temasek International USA LLC, Temasek Holdings Private Limited, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd. who participated in responding to these discovery requests.

### **REQUESTS FOR PRODUCTION**

- 1. All workpapers, communications, and other documents concerning subscription agreements, membership agreements, partnership agreements, and/or other agreements between you and any of the FTX Entities, Alameda or any of the Defendants relating to any of the FTX Entities and/or Alameda.
- 2. All communications between you and any of the FTX Entities, Alameda, or any of the Defendants concerning any of the FTX Entities and/or Alameda.
- 3. All work papers, communications, and other documents concerning the Series B and B-1 funding of FTX Trading, which closed in October 2021, including, but not limited to, offering memoranda, offering circulars, prospectuses, pitch decks,

- capitalization tables, diligence memoranda, reports, opinions, and other diligence materials concerning any of the FTX Entities and/or Alameda.
- 4. All work papers, communications, and other documents concerning the Series C funding of FTX Trading, which closed in January 2022, including, but not limited to, offering memoranda, offering circulars, prospectuses, pitch decks, capitalization tables, diligence memoranda, reports, opinions, and other diligence materials concerning any of the FTX Entities and/or Alameda.
- 5. All work papers, communications, and other documents concerning the Series A funding of FTX US, which closed in January 2022, including, but not limited to, offering memoranda, offering circulars, prospectuses, pitch decks, capitalization tables, diligence memoranda, reports, opinions, and other diligence materials concerning any of the FTX Entities and/or Alameda.
- 6. Documents evidencing wire transfers or other payments, or instructions related to the foregoing, for any payments from you to any of the FTX Entities and/or Alameda or from any of the FTX Entities and/or Alameda to you.
- 7. Documents and communications concerning your due diligence efforts undertaken by you or on your behalf in conjunction with potential or actual investments in or with FTX Entities and/or Alameda, whether such efforts were undertaken before the investment or following the investment in the form of continued monitoring, tracking, or management.
- 8. Contracts for any legal services you sought or obtained in relation to the FTX Entities and/or Alameda.

- 9. All work papers, communications, and other documents concerning your membership and service on the board, including any advisory board, of any of the FTX Entities and/or Alameda, including, but not limited to, calendar entries, agendas, presentations, and minutes of any and all meetings of such board.
- 10. All work papers, communications, and other documents concerning the membership and service on your board, including any advisory board, by any of the FTX Entities and/or Alameda, including, but not limited to, agendas, presentations, and minutes of any and all meetings of such board.
- 11. All work papers, communications, and other documents concerning any of the FTX Entities and/or Alameda that were prepared or maintained in connection with, and/or referred to, your investments in, or any other potential investments in, loans to, or financing for, any of the FTX Entities and/or Alameda.
- 12. All documents concerning any working group lists, or the names and contact information for all persons or entities, you received, prepared, or maintained in connection with your investments, or potential investments, in any of the FTX Entities and/or Alameda, including, but not limited to, persons in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management), directors, and/or other personnel involved in the Series A, Series B, Series B-1, Series C, and/or any other funding for, investment in, or potential investment in any of the FTX Entities and/or Alameda.

- 13. All documents and work papers concerning the operations of any of the FTX Entities and/or Alameda, including, but not limited to, operating pro formas, uses and sources of cash and investment proceeds, investment portfolios, status reports, budgets, and/or presentations concerning the performance of any of the FTX Entities and/or Alameda, as well as, any market research, profitability analyses, evaluations, and/or other reports prepared by you or for you by any investment bankers, research analysts, management consultants and/or other professional.
- 14. All documents and work papers concerning the formation and corporate governance of any of the FTX Entities and/or Alameda, including, but not limited to, articles of incorporation, articles of formation, by-laws, membership agreements, partnership agreements, certificates of good standing, charters for any and all board committees, compliance policies, anti-corruption policies, whistleblower policies, policies relating to conflicts of interest, insider trading policies, related party transaction policies, and codes of ethics.
- 15. All documents and work papers concerning the implementation of accounting controls, financial controls, cash management controls and/or audit processes at any of the FTX Entities and/or Alameda, including, but not limited to audit committees, internal and/or external audits, audited and/or unaudited financial statements, general ledgers, policies and procedures concerning audits, asset allocation, liquidity forecasting, and disbursement controls, and other financial records for any of the FTX Entities and/or Alameda, and the engagement of, and services provided by, any accounting firm by and for any of the FTX Entities and/or Alameda,

- including, but not limited to Robert Lee & Associates, Prager Metis CPAs LLC and/or Armanino LLP.
- 16. Any documents evidencing updates, progress reports, or similar with respect to (1) your investments in FTX Entities and/or Alameda and (2) FTX Entities' and/or Alameda's financials.
- 17. All documents and work papers concerning North Dimension Inc, including, but not limited to, its ownership, employees, business purpose, and operations.
- 18. All documents and work papers concerning LedgerX LLC, including, but not limited to, its ownership, employees, business purpose, and operations.
- 19. All communications with any representative, employee, or agent of LedgerX LLC.
- 20. All documents and work papers concerning any transactions and/or transfers of fiat, cryptocurrency, or other assets between any of the FTX Entities, Alameda, and/or any director, control person, and/or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda, including, but not limited to, disbursements, donations, gifts, bonuses and other compensation, capital contributions, promissory notes, inter-company agreements, service agreements, and loan agreements.
- 21. All documents and work papers concerning risk management controls—and any exemptions or alterations thereto for, but not limited to, Alameda—at any of the FTX Entities and/or Alameda, including, but not limited to, policies and procedures

concerning investment diversification, cryptocurrency products and other digital assets, derivative products, and leverage, including, but not limited to, the purported "risk engine" auto-liquidator and other protocols to prevent a user from becoming over-leveraged on any of the FTX Entities' platforms and/or the FTX Entities' purported policy prohibiting any user from maintaining a negative balance on their platforms.

- 22. All documents and work papers concerning regulatory compliance at any of the FTX Entities and/or Alameda, including, but not limited to, campaign finance regulations, licensure of the FTX Entities and/or Alameda in the jurisdictions in which each operates, including, but not limited to, money transmitter licenses, and the regulation of cryptocurrencies, tokens, and other digital assets—including the yield-bearing accounts offered by the FTX Entities—as securities.
- 23. All documents and work papers concerning any charitable, political and/or campaign contribution by any of the FTX Entities, Alameda, and/or any director, control person, and/or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda.
- 24. All documents and work papers concerning any internal complaints, including, but not limited to, "whistleblower" complaints, litigation, administrative or regulatory proceedings, investigations or governmental actions involving any of the FTX Entities and/or Alameda.

- 25. All documents and work papers concerning the custody, and/or safeguarding, of customer funds, including fiat, cryptocurrencies, and other digital assets, by any of the FTX Entities and/or Alameda, including, but not limited to, the labeling of customer accounts as "for the benefit of" ("FBO") the customer, the segregation (or lack thereof) of customer funds from the FTX Entities' operating accounts, the storage of customer funds in digital wallets on the FTX Entities' platforms, and the ledgering and/or bookkeeping of those funds by any of the FTX Entities and/or Alameda.
- 26. All documents and work papers concerning the terms of service for any of the FTX Entities and use thereof by customers or investors.
- 27. All documents and work papers concerning FTT, including, but not limited to, FTT held by any of the FTX Entities and/or Alameda, and their use of FTT as collateral for loans and other transactions.
- 28. All documents and work papers concerning the real and tangible property held by any FTX Entity and/or Alameda, including, but not limited to, the location and use of such property, and any mortgages, deeds of trust, lease and/or security agreements for the properties, and transfers of such properties by, among, and between any FTX Entity, Alameda, and/or any director, control person, and/or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda.

- 29. All documents relating to your "interactions" with Sam Bankman-Fried and others affiliated with FTX Entities, Alameda, North Dimension Inc., and/or LedgerX LLC as referenced by you on your website. *See* Temasek, "FTX Statement and FAQs" (26 November 2022), *available at* <a href="https://www.temasek.com.sg/en/news-and-resources/news-room/statements/2022/statement-FTX">https://www.temasek.com.sg/en/news-and-resources/news-room/statements/2022/statement-FTX</a> (last visited October 11, 2023).
- 30. All documents and work papers concerning the "qualitative feedback" you gathered from "people familiar with the company, including industry employees, industry participants, and other investors" concerning any of the FTX Entities and/or Alameda, which you reference on your website. <sup>1</sup>
- 31. All documents and work papers concerning your "engage[ment of] management on business strategy" and your "monitor[ing] of [the] performance" of any of the FTX Entities and/or Alameda, which you reference on your website.<sup>2</sup>
- 32. All documents and work papers concerning the decision to post, preparation of any post, and posting on your website, social media platform, or any other public forum of any statements concerning the FTX Entities, Alameda, any director, control person, or person in management (including, but not limited to, the chief executive officer, the chief financial officer, the chief compliance officer, the chief technology and/or information officer, the general counsel, presidents, executive

<sup>&</sup>lt;sup>1</sup>See https://www.temasek.com.sg/en/news-and-resources/news-room/statements/2022/statement-FTX#how-did-Temasek-come-to-invest-in-FTX

<sup>&</sup>lt;sup>2</sup>See https://www.temasek.com.sg/en/news-and-resources/news-room/statements/2022/statement-FTX#how-did-Temasek-come-to-invest-in-FTX

- vice presidents, vice presidents, and any others positions of management) of any of the FTX Entities and/or Alameda, and/or any of the Defendants.
- 33. All documents, work papers, and/or communications concerning the FTX Entities and/or Alameda you provided to or exchanged with:
  - a. Officers, directors, employees, and control persons of any of the FTX

    Entities and/or Alameda, including, but not limited to, Samuel BankmanFried, Caroline Ellison, Gary Wang, Nishad Singh, Brett Harrison, Sam

    Trabucco, Zach Dexter, Ryne Miller, Ryan Salame, Dan Friedberg, Ramnik

    Arora, and Constance Wang;
  - b. any actual or prospective customer of any of the FTX Entities and/or Alameda and/or any actual or prospective investor in any of the FTX Entities and/or Alameda; or
  - c. any of the Defendants.
- 34. To the extent not already produced in connection with any of the above requests, all work papers, communications, transcripts and/or recordings of any depositions, testimony, interviews, or statements you have provided concerning the FTX Entities and/or Alameda in any court, administrative proceedings, the Bankruptcy Actions, Criminal Proceedings, or any other foreign or domestic forum or in response to any governmental agency request for discovery.
- 35. All documents, communications, and work papers relating to fraud detection and anti-money laundering protection by you, including, but not limited to, policies, procedures, manuals, monitoring systems, including automated monitoring systems, even if generated by a third party, employed by you to detect, monitor,

and/or prevent fraud, money laundering, and/or other misconduct by the companies and other entities in which you invest, including, but not limited to, Know Your Customer or Know Your Client (together, "KYC") obligations, policies, procedures and compliance; Know Your Business ("KYB") obligations, policies, procedures, and compliance; Ant-Money Laundering ("AML") obligations, policies, procedures, and compliance; Customer Identification Program ("CIP") obligations, policies, procedures, and compliance; Bank Secrecy Act ("BSA") obligations, policies, procedures and compliance; risk management; and other due diligence.

- 36. All work papers, communications, and other documents concerning your decision to make the investment in the FTX Entities and/or Alameda, including but not limited to any meeting minutes, memoranda, or materials with respect to your internal committee or board discussions; and any meeting minutes, memoranda, or materials with respect to communications with Defendants.
- 37. Documents concerning any meetings between your directors, executives, employees, representatives, and/or agents and FTX's directors, executives, employees, representatives, and/or agents. This request includes but is not limited to any expense reports and calendar entries related to any such meetings.
- 38. Organizational charts for Temasek Holdings (Private) Limited, Temasek International (USA) LLC, Artz Fund Investments Pte. Ltd., Temasek International Pte. Ltd., and any other intermediate entities existing along the chain of ownership between or among the entities specifically named in this request.
- 39. All documents and work papers concerning your formation, organization, and corporate governance, including, but not limited to, articles of incorporation,

- articles of formation, by-laws, board minutes, consents, membership agreements, partnership agreements, certificates of good standing, registrations to do business, licenses, charters for any and all board committees, policies relating to conflicts of interest, insider trading policies, related party transaction policies, and codes of ethics.
- 40. Your audited financial statements, including income statements, balance sheets and statements of cash flow, whether consolidated or unconsolidated.
- 41. Your Federal and State (California, New York, Washington, D.C. and/or Florida) tax returns and reporting information.
- 42. Documents concerning your banking relationships in California, New York, Washington, D.C., and/or Florida.
- 43. All documents, work papers, or other discovery concerning any agreements between Temasek Holdings (Private) Limited, Temasek International (USA) LLC, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd., including, but not limited to, intercompany agreements, lease-back agreements, and/or shared services agreement.
- 44. All documents, work papers, or other discovery concerning property, personnel, or equipment provided to or shared by Temasek Holdings (Private) Limited, Temasek International (USA) LLC, Artz Fund Investments Pte. Ltd., and/or Temasek International Pte. Ltd.
- 45. All documents, work papers, or other discovery concerning your operations in the United States, including, but not limited to, your offices and personnel located in New York, New York, San Francisco, California, and Washington, D.C.

46. Documents related to your investments in any businesses that have offices or operations in Florida and/or California.

# Composite Exhibit D

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY

(Part 3 of 3)

### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT KEVIN PAFFRATH

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Kevin Paffrath

**DATE**: June 20, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Edwin Garrison, et al. v. Kevin Paffrath, et al. CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye

Florida Bar No. 117520

joseph@moskowitz-law.com

### THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

### By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

### GROSSMAN ROTH YAFFA COHEN, P.A.

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Ph: 305-442-8666 Fx: 305-285-1668 szg@grossmanroth.com

aag@grossmanroth.com

### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

### **BOIES SCHILLER FLEXNER LLP**

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szack@bsfllp.com tulrich@bsfllp.com

### By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736

MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	/

## PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT KEVIN PAFFRATH</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Kevin Paffrath ("Paffrath"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

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By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

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## By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

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tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

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Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: <u>/s/ Adam M. Moskowitz</u>
ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Paffrath," "You," or "Your" means Defendant Kevin Paffrath and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

## **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT ANDREI JIKH

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Andre Jikh

**DATE**: June 21, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

#### By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134 Ph: 305-442-8666 Fx: 305-285-1668

szg@grossmanroth.com aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

## **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer
Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
MARK MIGDAL HAYDEN LLP
8 SW 8<sup>th</sup> Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	/

## PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT ANDREI JIKH</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Andrei Jikh ("Jikh"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

## GROSSMAN ROTH YAFFA COHEN, P.A.

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Coral Gables, FL 33134

Ph: 305-442-8666 Fx: 305-285-1668

szg@grossmanroth.com

aag@grossmanroth.com

## By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800

Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

## MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: <u>/s/ Adam M. Moskowitz</u>
ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Jikh," "You," or "Your" means Defendant Andrei Jikh and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

## **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		
		/

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT GRAHAM STEPHAN

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Graham Stephan

**DATE**: June 22, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

## By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134 Ph: 305-442-8666 Ex: 305-285-1668

Fx: 305-285-1668 szg@grossmanroth.com aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

## **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer
Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
MARK MIGDAL HAYDEN LLP
8 SW 8<sup>th</sup> Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	/

## PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT GRAHAM STEPHAN</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Graham Stephan

("Stephan"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

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szg@grossmanroth.com aag@grossmanroth.com

## By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

## **BOIES SCHILLER FLEXNER LLP**

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Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

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8 SW 8th Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz\_\_\_\_\_ADAM M. MOSKOWITZ

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Stephan," "You," or "Your" means Defendant Graham Stephan and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

## **SEVEN REQUESTS FOR PRODUCTION**

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT JASPREET SINGH

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Jaspreet Singh

**DATE**: June 23, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

#### By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

#### GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150 Coral Gables, FL 33134 Ph: 305-442-8666 Fx: 305-285-1668

szg@grossmanroth.com aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

## **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer
Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	/

## PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT JASPREET SINGH</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Jaspreet Singh ("Singh"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

## GROSSMAN ROTH YAFFA COHEN, P.A.

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Ph: 305-442-8666

Fx: 305-285-1668

szg@grossmanroth.com aag@grossmanroth.com

## By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

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Miami, FL 33131

Office: 305-539-8400

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tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

#### MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz\_

ADAM M. MOSKOWITZ

### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Singh," "You," or "Your" means Defendant Jaspreet Singh and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

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- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

## **SEVEN REQUESTS FOR PRODUCTION**

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT BRIAN JUNG

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Brian Jung

**DATE**: June 26, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye

Florida Bar No. 117520

joseph@moskowitz-law.com

# THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

# By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

## GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134

Ph: 305-442-8666 Fx: 305-285-1668 szg@grossmanroth.com aag@grossmanroth.com

### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736 MARK MICDAL HAVD

MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	/

# PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT BRIAN JUNG</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Brian Jung ("Jung"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

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szg@grossmanroth.com aag@grossmanroth.com

## By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

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Miami, FL 33131

Office: 305-539-8400

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tulrich@bsfllp.com

# By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

### MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz\_

ADAM M. MOSKOWITZ

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Jung," "You," or "Your" means Defendant Brian Jung and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

## **SEVEN REQUESTS FOR PRODUCTION**

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

<sup>&</sup>lt;sup>1</sup> Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	,

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT JEREMY LEFEBVRE

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Jeremy LeFebvre

**DATE**: June 27, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520

joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

## By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

## GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134

Ph: 305-442-8666 Fx: 305-285-1668

szg@grossmanroth.com aag@grossmanroth.com

### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

# By: /s/ Jose Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736

MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz ADAM M. MOSKOWITZ

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	/

# PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT JEREMY LEFEBVRE</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Jeremy

LeFebvre ("LeFebvre"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz
Florida Bar No. 984280
adam@moskowitz-law.com
Joseph M. Kaye
Florida Bar No. 117520
joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

## GROSSMAN ROTH YAFFA COHEN, P.A.

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Coral Gables, FL 33134

Ph: 305-442-8666 Fx: 305-285-1668

szg@grossmanroth.com

aag@grossmanroth.com

## By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800

Miami, FL 33131

Office: 305-539-8400

szack@bsfllp.com

tulrich@bsfllp.com

# By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

### MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: <u>/s/ Adam M. Moskowitz</u>
ADAM M. MOSKOWITZ

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "LeFebvre," "You," or "Your" means Defendant Jeremy LeFebvre and any of his affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

## **INSTRUCTIONS**

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- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

## SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

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- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defenda	ints.		

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT ERIKA KULLBERG

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Erika Kullberg

**DATE**: June 29, 2023 **TIME**: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

# By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

## GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150 Coral Gables, FL 33134 Ph: 305-442-8666

Fx: 305-285-1668 szg@grossmanroth.com aag@grossmanroth.com

### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

# By: /s/ Jose Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736 MARK MIGDAL HAYDEN LLP 8 SW 8<sup>th</sup> Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		
	,	/

# PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO <u>DEFENDANT ERIKA KULLBERG</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Erika Kullberg

("Kullberg"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

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By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

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## By: /s/ Stephen Neal Zack

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Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com

tulrich@bsfllp.com

## By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

## MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: <u>/s/ Adam M. Moskowitz</u>
ADAM M. MOSKOWITZ

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Kullberg," "You," or "Your" means Defendant Erika Kullberg and any of her affiliates, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

## **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.		

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT CREATORS AGENCY, LLC'S RULE 30(b)(6) REPRESENTATIVE(S)

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Creators Agency, LLC, (the "Creators"), by and

through Creators' corporate representative(s) with knowledge of the eight topics listed in **Exhibit A**, pursuant

to Federal Rule of Civil Procedure 30(b)(6).

**DATE**: June 30, 2023

TIME: 10:00am EST

**LOCATION**: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

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Edwin Garrison, et al. v. Kevin Paffrath, et al. CASE NO. 23-21023-CIV-ALTONAGA/Damian

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendant Creators Agency, LLC (the "Creators") shall both designate one or more officers, directors, managing agents, or other persons to testify on its behalf on each topic listed on **Exhibit A** attached hereto.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

#### THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

#### By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122

# GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134

Ph: 305-442-8666 Fx: 305-285-1668 szg@grossmanroth.com aag@grossmanroth.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705

100 SE 2nd St., Suite 2800

# **BOIES SCHILLER FLEXNER LLP**

Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com

By: /s/ Jose Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736

MARK MIGDAL HAYDEN LLP 8 SW 8<sup>th</sup> Street, Suite 1999

Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz\_\_\_\_\_ADAM M. MOSKOWITZ

#### **EXHIBIT A**

## I. <u>DEFINITIONS AND INSTRUCTIONS</u>

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "CA," "You," or "Your" means Defendant Creators Agency LLC and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets,

magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 9. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 10. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 11. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- 12. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

## II. EIGHT DEPOSITION SUBJECTS

Pursuant to Rule 30(b)(6), CA shall designate and produce for deposition one or more of its officers, directors, managing agents, or other persons who are knowledgeable about and consent to testify on its behalf concerning the following subject matters:

- 1. All Documents and responses provided in response to Plaintiffs' request for production, dated and served on May 18, 2023.
- 2. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 3. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 4. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

- 5. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.
- 6. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 7. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 8. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

#### CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON**, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

ν.

KEVIN PAFFRATH, GRAHAM STEPHAN, ANDREI JIKH, JASPREET SINGH, BRIAN JUNG, JEREMY LEFEBVRE, TOM NASH, BEN ARMSTRONG, ERIKA KULLBERG, CREATORS AGENCY, LLC,

Defendants.	
	/

# PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO DEFENDANT CREATORS AGENCY LLC

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Creators Agency

LLC ("CA"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez

Florida Bar No. 18122

# GROSSMAN ROTH YAFFA COHEN, P.A.

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## By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

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#### **BOIES SCHILLER FLEXNER LLP**

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Office: 305-539-8400 szack@bsfllp.com

tulrich@bsfllp.com

# By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

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Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: <u>/s/ Adam M. Moskowitz</u>
ADAM M. MOSKOWITZ

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "CA," "You," or "Your" means Defendant Creators Agency LLC and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 2 "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes,

agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
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#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries

- at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;

- d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
- 2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
- 4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

- 5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.
- 6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.
- 7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , <i>et al.</i> , on behalf of themselves and all others similarly situated,
Plaintiffs,
v.
SAM BANKMAN-FRIED, et al.,
Defendants.

# PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO DEFENDANT GOLDEN STATE WARRIORS LLC

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Golden State

Warriors LLC ("GSW"), produce the documents requested in response to these three requests.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

**BOIES SCHILLER FLEXNER LLP** 

333 Main Street Armonk, NY 10504

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Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

Phone: (914) 749–8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800 Miami, FL 33131

Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz ADAM M. MOSKOWITZ

# **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "GSW," "You," or "Your" means Defendant Golden State Warriors LLC and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 2 "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 4. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 5. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 6. "FTX Platform" refers to the FTX Entities' mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

- addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
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- 7. All documents are to be produced in the following method:
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  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

#### THREE REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including but not limited to contracts or agreements, regarding Your "First-Of-Its-Kind" International Partnership with the FTX Entities.

  See <a href="https://www.nba.com/warriors/warriors-ftx-partnership-20211214">https://www.nba.com/warriors/warriors-ftx-partnership-20211214</a> (accessed April 21, 2023).
- 2. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida fans, and Florida's FTX consumers, including but not limited to (1) any advertising for the FTX Platform or FTX Entities located in the Chase Center that was broadcast in or viewable by Florida investors and GSW fans residing in Florida during GSW games (including GSW home games where GSW played either the Miami Heat or Orlando Magic); (2) any advertising for the FTX Platform or FTX Entities located in the Warriors Gaming Squad court during NBA 2K League games; and (3) any NFTs that GSW offered for sale on the FTX Platform.
- 3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

EDWIN GARRISON, et al., on behalf of
themselves and all others similarly situated

Plaintiffs,

ν.

#### SAM BANKMAN-FRIED, et al.,

Defendants.	
	/

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT GOLDEN STATE WARRIORS LLC'S RULE 30(b)(6) REPRESENTATIVE(S)

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Golden State Warriors LLC, (the "GSW"), by and

through GSW' corporate representative(s) with knowledge of the four topics listed in **Exhibit A**, pursuant to Federal

Rule of Civil Procedure 30(b)(6).

**DATE**: May 8, 2023

**TIME**: 10:00 AM (PDT) // 1:00 PM (EDT)

**LOCATION**: Boies, Schiller Flexner, LLP

725 S Figueroa Street, 31st Floor

Los Angeles, CA 90017 Phone (213) 629–9040

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of California. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

# Case 1:23-md-03076-KMM Document 348-6 Entered on FLSD Docket 01/05/2023 Page 502 of 729

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendant Golden State Warriors LLC (the "GSW") shall both designate one or more officers, directors, managing agents, or other persons to testify on its behalf on each topic listed on **Exhibit A** attached hereto.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

## THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

## By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

#### **BOIES SCHILLER FLEXNER LLP**

333 Main Street Armonk, NY 10504 Phone: (914) 749–8200 dboies@bsfllp.com

#### By: /s/ Stephen Neal Zack

100 SE 2nd St., Suite 2800

Stephen Neal Zack Florida Bar No. 145215

# **BOIES SCHILLER FLEXNER LLP**

Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

Case 1:23-md-03076-KMM Document 348-6 Entered on FLSD Docket 01/05/2023 Page 568 of 729

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on April 21, 2023, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

By: /s/ Adam M. Moskowitz ADAM M. MOSKOWITZ

# **EXHIBIT A**

#### I. <u>DEFINITIONS AND INSTRUCTIONS</u>

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "GSW," "You," or "Your" means Defendant, Golden State Warriors LLC, any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 2 "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 4. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 5. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 6. "FTX Platform" refers to the FTX Entities' mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes,

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all

8. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

underlying or preparatory materials and drafts thereof.

- 9. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 10. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 11. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.
- 12. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

# II. FOUR DEPOSITION SUBJECTS

Pursuant to Rule 30(b)(6), the GSW shall designate and produce for deposition one or more of its officers, directors, managing agents, or other persons who are knowledgeable about and consent to testify on its behalf concerning the following subject matters:

- 1. All Documents and responses provided in response to Plaintiffs' request for production, each dated and served on April 21, 2023.
- 2. All contracts or agreements and circumstances regarding Your "First-Of-Its-Kind" International Partnership with the FTX Entities. *See* <a href="https://www.nba.com/warriors/warriors-ftx-partnership-20211214">https://www.nba.com/warriors/warriors-ftx-partnership-20211214</a> (accessed April 21, 2023).
- 3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida fans, and Florida's FTX consumers, including but not limited to (1) any advertising for the FTX Platform or FTX Entities located in the Chase Center that was broadcast in or viewable by Florida investors and GSW fans residing in Florida during GSW games (including GSW home games where GSW played either the Miami Heat or Orlando Magic); (2) any advertising for the FTX Platform or FTX Entities located in the Warriors Gaming Squad court during NBA 2K League games; and (3) any NFTs that GSW offered for sale on the FTX Platform.
- 4. All research or due diligence YOU and/or the NBA performed about the FTX Entities, the FTX Platform, or whether YBAs or FTT constitute a security under any federal or state law.

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

themselves and all others similarly situated,
Plaintiffs,
v.
SAM BANKMAN-FRIED, et al.,

Defendants.

# PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO <u>DEFENDANT LAWRENCE GENE DAVID</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Lawrence Gene

David ("David"), produce the documents requested in response to these three requests.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

# THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

**BOIES SCHILLER FLEXNER LLP** 

333 Main Street Armonk, NY 10504

# Case 1:23-md-03076-KMM Document 348-6 Entered on FLSD Docket 01/05/2023 Page 508 of

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

Phone: (914) 749–8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800

Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

> By: /s/ Adam M. Moskowitz\_ ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "David," "You," or "Your" means Defendant Lawrence Gene David and any of his affiliates, representatives, or agents.
- 2 "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 4. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 5. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 6. "FTX Platform" refers to the FTX Entities' mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys,

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each – The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- 12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person
     who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### THREE REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding any business You conducted with the FTX Entities.
- 2. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida fans, and Florida's FTX consumers, including but not limited to the "Don't Miss Out on Crypto" 2022 Super Bowl advertisement. *See* <a href="https://youtu.be/hWMnbJJpeZc">https://youtu.be/hWMnbJJpeZc</a> (accessed April 21, 2023).
- 3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

ν.

SAM BANKMAN-FRIED, et al.,

Defendants.	
	,

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT LAWRENCE GENE DAVID

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Lawrence Gene David

**DATE**: May 11, 2023

**TIME**: 10:00 AM (PDT) // 1:00 PM (EDT)

**LOCATION**: Boies, Schiller Flexner, LLP

725 S Figueroa Street, 31st Floor

Los Angeles, CA 90017 Phone (213) 629–9040

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of California. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

## Case 1:23-md-03076-KMM Document 348-6 Entered on FLSD Docket 01/05/2023 Page 586 of

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

#### By: /s/ David Boies

**David Boies** (Pro Hac Vice) Alex Boies (Pro Hac Vice)

#### **BOIES SCHILLER FLEXNER LLP**

333 Main Street Armonk, NY 10504 Phone: (914) 749-8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on April 21, 2023, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

> By: /s/ Adam M. Moskowitz\_ ADAM M. MOSKOWITZ

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , et al., on behalf	of
themselves and all others similarly situat	ed,

Plaintiffs,

ν.

#### SAM BANKMAN-FRIED, et al.,

Defenaants.	
	/

#### PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO <u>DEFENDANT NAOMI OSAKA</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Naomi Osaka

("Osaka"), produce the documents requested in response to these three requests.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

#### THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

**BOIES SCHILLER FLEXNER LLP** 

333 Main Street Armonk, NY 10504

## Case 1:23-md-03076-KMM Document 348-6 Entered on FLSD Docket 01/05/2023 Page 582 of

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

Phone: (914) 749–8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800

Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

> By: /s/ Adam M. Moskowitz\_ ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Osaka," "You," or "Your" means Defendant Naomi Osaka and any of her affiliates, representatives, or agents.
- 2 "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 4. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 5. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 6. "FTX Platform" refers to the FTX Entities' mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys,

charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.

- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### THREE REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding Your Global Partnership with the FTX Entities. *See* <a href="https://www.prnewswire.com/news-releases/naomi-osaka-world-renowned-tennis-player-and-activist-becomes-global-ambassador-and-shareholder-of-ftx-with-long-term-partnership-to-increase-access-and-opportunity-for-women-in-crypto-301506633.html">https://www.prnewswire.com/news-releases/naomi-osaka-world-renowned-tennis-player-and-activist-becomes-global-ambassador-and-shareholder-of-ftx-with-long-term-partnership-to-increase-access-and-opportunity-for-women-in-crypto-301506633.html</a> (accessed April 21, 2023).
- 2. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida fans, and Florida's FTX consumers, including but not limited to, (1) through wearing the FTX logo on the kit Defendant wore at tournaments, including the 2022 Miami Open, and (2) through any and all content you directed, created, produced, or participated in in association with the FTX Entities designed to promote the FTX Platform, advertisement FTT. and/or YBAs, such the viewable here: as https://youtu.be/pkuf8avR50k (accessed April 21, 2023).
- 3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , et al., on behalf of	
themselves and all others similarly situated	٠,

Plaintiffs,

ν.

SAM BANKMAN-FRIED, et al.,

Defendants.	
	/

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT NAOMI OSAKA

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Naomi Osaka

**DATE**: May 10, 2023

**TIME**: 10:00 AM (PDT) // 1:00 PM (EDT)

**LOCATION**: Boies, Schiller Flexner, LLP

725 S Figueroa Street, 31st Floor

Los Angeles, CA 90017 Phone (213) 629–9040

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of California. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

# Case 1:23-md-03076-KMM Document 348-6 Entered on FLSD Docket 01/05/2023 Page 589 of

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

#### THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

#### By: /s/ David Boies

**David Boies** (Pro Hac Vice) Alex Boies (Pro Hac Vice)

#### **BOIES SCHILLER FLEXNER LLP**

333 Main Street Armonk, NY 10504 Phone: (914) 749-8200 dboies@bsfllp.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on April 21, 2023, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

> By: /s/ Adam M. Moskowitz\_ ADAM M. MOSKOWITZ

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

ν.

#### SAM BANKMAN-FRIED, et al.,

Defendants.	
	/

#### PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO <u>DEFENDANT STEPHEN CURRY</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Stephen Curry

("Curry"), produce the documents requested in response to these three requests.

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

**BOIES SCHILLER FLEXNER LLP** 

333 Main Street Armonk, NY 10504

## Case 1:23-md-03076-KMM Document 348-6 Entered on FLSD Docket 01/05/2023 Page 526 of

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

Phone: (914) 749-8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800 Miami, FL 33131

Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

> By: /s/ Adam M. Moskowitz\_ ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Curry," "You," or "Your" means Defendant Stephen Curry and any of his affiliates, representatives, or agents.
- 2 "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 4. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 5. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 6. "FTX Platform" refers to the FTX Entities' mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys,

charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

 Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.

- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - the name of each person who ordered, authorized, and carried out the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### THREE REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding Your Global Partnership with the FTX Entities. *See* <a href="https://www.prnewswire.com/news-releases/nba-superstar-stephen-curry-becomes-global-ambassador-and-shareholder-of-leading-cryptocurrency-exchange-ftx-through-long-term-partnership-301370497.html">https://www.prnewswire.com/news-releases/nba-superstar-stephen-curry-becomes-global-ambassador-and-shareholder-of-leading-cryptocurrency-exchange-ftx-through-long-term-partnership-301370497.html</a> (accessed April 21, 2023).
- 2. All Documents and Communications, including but not limited to Contracts or Agreements and any negotiations, that shows, evidences and/or relates to Defendant "targeting" Defendant's Florida fans, and Florida's FTX consumers, including but not limited to, through any NFTs You offered for sale on the FTX Platform, or through the extremely well-marketed the "#notanexpert" campaign and Your statements made in that campaign, including "I'm not an expert, *and I don't need to be.* With FTX I have everything I need to buy, sell, and trade crypto <u>safely.</u>" See <a href="https://www.youtube.com/watch?v=gsy2N-XI040">https://www.youtube.com/watch?v=gsy2N-XI040</a> (accessed April 21, 2023); see also <a href="https://www.prnewswire.com/news-releases/stephen-curry-drops-surprise-nft-for-charity-to-commemorate-breaking-all-time-nba-three-point-record-301447687.html">https://www.prnewswire.com/news-releases/stephen-curry-drops-surprise-nft-for-charity-to-commemorate-breaking-all-time-nba-three-point-record-301447687.html</a> (accessed April 21, 2023).
- 3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , et al., on behalf of	
themselves and all others similarly situated	٠,

Plaintiffs,

ν.

SAM BANKMAN-FRIED, et al.,

Defendants.	
	,

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT STEPHEN CURRY

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Stephen Curry

**DATE**: May 9, 2023

**TIME**: 10:00 AM (PDT) // 1:00 PM (EDT)

**LOCATION**: Boies, Schiller Flexner, LLP

725 S Figueroa Street, 31st Floor

Los Angeles, CA 90017 Phone (213) 629–9040

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of California. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Case 1:23-md-03076-KMM Document 348-6 Entered on FLSD Docket 01/05/2023 Page 598 of

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

Dated: April 21, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 adam@moskowitz-law.com Joseph M. Kaye

Florida Bar No. 117520 joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601 Coral Gables, FL 33134 Telephone: (305) 740-1423

By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

**BOIES SCHILLER FLEXNER LLP** 

333 Main Street Armonk, NY 10504 Phone: (914) 749-8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800

Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on April 21,

2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz\_ ADAM M. MOSKOWITZ

CASE NO. 1:22-cv-23753-KMM

EDWIN GARRISON, et al., on behalf of	
themselves and all others similarly situated,	
•	
D1 -: 4:00-	
Plaintiffs,	

SAM BANKMAN-FRIED, et al.,

ν.

Defendants.	
	/

#### PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO <u>DEFENDANT UDONIS HASLEM</u>

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Udonis Haslem

("Haslem"), produce the documents requested in response to these three requests.

Dated: May 26, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280 Joseph M. Kaye Florida Bar No. 117520

THE MOSKOWITZ LAW FIRM, PLLC

3250 Mary Street, Suite 202 Miami, FL 33133

Mailing Address:
P.O. Box 653409
Miami, FL 33175
Telephone: (305) 740-1423
adam@moskowitz-law.com
joseph@moskowitz-law.com

By: /s/ David Boies

David Boies (Pro Hac Vice) Alex Boies (Pro Hac Vice)

# Case 1:23-md-03076-KMM Document 348-6 Entered on FLSD Docket 01/05/2023 Page 600 of

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

#### **BOIES SCHILLER FLEXNER LLP**

333 Main Street Armonk, NY 10504 Phone: (914) 749–8200 dboies@bsfllp.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack Florida Bar No. 145215

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400

szack@bsfllp.com

By: /s/Jose M. Ferrer

Jose Ferrer Florida Bar No. 173746 Michelle Genet Bernstein Florida Bar No. 1030736 MARK MIGDAL HAYDEN LLP 80 SW 8th Street, Suite 1999 Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com

michelle@markmigdal.com

Co-Counsel for Plaintiff and the Class

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 26, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

> By: /s/ Adam M. Moskowitz\_ ADAM M. MOSKOWITZ

#### **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

- 1. "Haslem," "You," or "Your" means Defendant Udonis Haslem and any of his affiliates, representatives, or agents.
- 2 "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
- 3. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 4. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
- 5. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
- 6. "FTX Platform" refers to the FTX Entities' mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
- 7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys,

charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

- 8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.
- 9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).
- 10. All/Each The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- 11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.
- Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

#### **INSTRUCTIONS**

- 1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 653409, Miami, FL 33133 or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.
- 2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
- 3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
- 4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document

had been maintained;

- c. the date of such loss or destruction;
- d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

#### **THREE REQUESTS FOR PRODUCTION**

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

- 1. All Documents and Communications, including contracts or agreements, regarding Your Partnership with the FTX Entities. *See* https://heatnation.com/media/udonis-haslem-reveals-ftx-gypped-him-out-of-15m/ (accessed May 26, 2023).
- 2. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida fans and Florida's FTX consumers, including but not limited to the FTX Charity Hackathon and "You In?" advertising campaign. *See* https://www.youtube.com/watch?v=4sD8uLYzzwM (accessed May 26, 2023).
- 3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

CASE NO. 1:22-cv-23753-KMM

<b>EDWIN GARRISON</b> , et al., on behalf of
themselves and all others similarly situated

Plaintiffs,

ν.

SAM BANKMAN-FRIED, et al.,

Defendants.		

# NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT UDONIS HASLEM

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT**: Defendant Udonis Haslem

**DATE**: July 20, 2023

**TIME**: 10:00 AM (EDT)

**LOCATION**: Boies, Schiller Flexner, LLP

**BOIES SCHILLER FLEXNER LLP** 

100 SE 2nd St., Suite 2800

Miami, FL 33131

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 30, 2023 Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz Florida Bar No. 984280

Joseph M. Kaye

Florida Bar No. 117520

THE MOSKOWITZ LAW FIRM, PLLC

### Case 1:23-md-03076-KMM Document 348-6 Entered on FLSD Docket 01/05/2023 Page 602 of

**120**Edwin Garrison, et al. v. Samuel Bankman-Fried, et al.

Case No. 1:22-cv-23753-KMM

3250 Mary Street, Suite 202

Miami, FL 33133

Mailing Address:

P.O. Box 653409

Miami, FL 33175

Telephone: (305) 740-1423 adam@moskowitz-law.com joseph@moskowitz-law.com

#### By: /s/ David Boies

**David Boies** 

(Pro Hac Vice)

Alex Boies

(Pro Hac Vice)

#### **BOIES SCHILLER FLEXNER LLP**

333 Main Street

Armonk, NY 10504

Phone: (914) 749-8200

dboies@bsfllp.com

#### By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

#### **BOIES SCHILLER FLEXNER LLP**

100 SE 2nd St., Suite 2800

Miami, FL 33131

Office: 305-539-8400

szack@bsfllp.com

#### By: /s/Jose M. Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

MARK MIGDAL HAYDEN LLP

80 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

Co-Counsel for Plaintiff and the Class

# Case 1:23-md-03076-KMM Document 348-6 Entered on FLSD Docket 01/05/2023 Page 608 of 120

Edwin Garrison, et al. v. Samuel Bankman-Fried, et al. Case No. 1:22-cv-23753-KMM

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was served on May 30, 2023, via email to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

# Exhibit E

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY

#### Message

From: Sam Bankman-Fried [sam@alameda-research.com]

on behalf of Sam Bankman-Fried <sam@alameda-research.com> [sam@alameda-research.com]

Sent: 4/25/2021 5:34:43 AM

To: Arjun Balaji [arjun@paradigm.xyz]

CC: Lehua Cortez [lehua@paradigm.xyz]; Matt Huang [matt@paradigm.xyz]

Subject: Re: rob sarver

Attachments: FTX stats 2021-04-23.xlsx

#### thanks!

And I definitely apologize for being a bit (intentionally) difficult to interface with on the call.

#### BTW:

- a) new file attached; 1 more day and fixes a column labeling issue (same overall but 2 revenue source labels got swapped).
- b) indicative and super confidential: this is not finalized yet but it's roughly what we anticipate sending out very soon: <a href="https://docs.google.com/document/d/1rclFddVBEBn9CMgOTfz">https://docs.google.com/document/d/1rclFddVBEBn9CMgOTfz</a>-
- TCrxwObRuo32PPRWj2o1jyY/edit?usp=sharing (request access). Note that some of the information there is a few days old.

Sam Bankman-Fried

On April 24, 2021, 8:51 AM GMT+8 sam@alameda-research.com wrote:

Hey guys -- updated numbers attached.

Sam Bankman-Fried

On April 23, 2021, 4:52 AM GMT+8 sam@alameda-research.com wrote:

sounds good!

Sam Bankman-Fried

On April 23, 2021, 4:35 AM GMT+8 arjun@paradigm.xyz wrote:

Hi Sam, apologies for what looks like a messy game of telephone here.

GOVERNMENT EXHIBIT 320 22 Cr. 673 (LAK) Re-affirming that we haven't discussed or considered "12B", so genuinely confused where that's coming from Simply put, our interest in a potential partnership with FTX (or anyone, really) comes from optimism about the long-term potential of the business and the positive impact it can have.

In the interest of transparency: we are (of course) impressed by the scale you've accomplished so quickly, but we \*do\* have some concerns, briefly outlined below.

- 1) Governance. As we understand, FTX is effectively owned + controlled by Sam, lacking more traditional corporate governance model, rights, etc. One example of where this can negatively manifest with crypto companies is through (unintended) value leakage, e.g. via FTT, Alameda, or some other mechanism. Like you, we place a \*heavy\* emphasis on alignment. As a shareholder, we'd want confidence that the value FTX creates accrues directly to equity holders. We're not suggesting that this isn't the case today; just that, candidly, we aren't sure how to think about it yet.
- 2) Price. Thanks for your earlier feedback; let's discuss live tomorrow.

Our lens may be colored by our sense of the highest order goal: paving the best path to FTX building an enduring franchise, and (eventually) listing as a public company. I don't think we're misaligned on this goal, so perhaps the disagreement is on how to maximize success to that end.

In any case, appreciate your patience and look forward to discussing in higher resolution tomorrow.

On Thu, Apr 22, 2021 at 10:33 AM, Sam Bankman-Fried < sam@alameda-research.com > wrote:

Got it -- hearing a lot of inconsistent things here between you, the others, and third hand sources about it.

Happy to chat about it!

Sam Bankman-Fried

On April 23, 2021, 1:27 AM GMT+8 matt@paradigm.xyz wrote:

Hi Sam: happy to talk through it. We have never thought about "12" as a number, much less talked about that number with anyone. It also is not in our interest to do anything to harm you or FTX — we are long crypto more than we are long any particular company, and we all benefit from good actors like you building successfully. I would be surprised if this chatter is coming from us, or anyone we associate with — this is not how high quality venture/growth investors behave.

On Thu, Apr 22 2021 at 10:24 AM, Sam Bankman-Fried < sam@alameda-research.com > wrote: "Word on the street" is that we're asking for \$12B val.

90% sure it's coming from those conversations.

Not super appreciative of that, though no reason to think it's you guys in particular, could be coming from any one of them.

# Case 1::23-md-03076-KMM Document 448-3 Emtered on FLSD Docket 01/03/2024 Page 412f 6f

Frankly a pretty bad look given the Coinbase holdings many of that group have, makes us wonder what the motivation behind it is.

I'm not sure what your guys thoughts are on the raise but maybe to be more explicit about this: it's totally fine if you want a \$12b val, but we don't, and we would rather just not raise, which is totally fine with us! Also lots of others are happy with 20b, and FTT implies a much higher val, so would be kinda weird for us to raise a 10-12 from a group of people who have not historically been very aligned with us. Super happy to keep talking about the raise if you want, and happy to talk about valuation if you have a convincing case for it!

I'm not really sure how we as a community got to where we are -- we should be looking to work together in the crypto space, not fight each other, and things seem surprisingly sectarian -- though at some point vested interest in projects might just cause that, which could just be a prisoner's dilemma.

I'm happy to hop on a call to discuss if helpful--we have one scheduled for tomorrow--but wanted to jump on this fairly quickly because it's very important to us that there be honesty in this process and we suspect that somewhere near here misleading information is being passed behind our backs.

And again -- don't mean this as specifically targeting you guys -- could just as easily be any of the others.

Sam Bankman-Fried

On April 23, 2021, 1:14 AM GMT+8 matt@paradigm.xyz wrote:

Hi Sam:

We've just been chatting with a few folks we know and often collaborate with (Tiger, MFN, Ribbit, Coatue) to compare notes on the opportunity.

The discussion / consensus seems to be:

- 1) everyone loves you, SBF + the core FTX platform
- 2) \$20B is a very high price (even for Tiger and Coatue who are setting price records in the private markets)

What is the message that you think is leaking?

On Thu, Apr 22 2021 at 10:06 AM, Sam Bankman-Fried < sam@alameda-research.com > wrote: Hey guys --

I was wondering if you could give more context on conversations you've been having with other VCs. I suspect that a somewhat garbled version of those is leaking out and being reframed as coming from us...

Sam Bankman-Fried

On April 19, 2021, 2:04 PM GMT+8 sam@alameda-research.com wrote:

sure!

Sam Bankman-Fried

On April 19, 2021, 12:51 PM GMT+8 matt@paradigm.xyz wrote:

Thanks Sam, is it OK for us to share this and discuss with MFN as well?

Either way, let's schedule a call among the 3 of us (you me and Arjun) this week?

On Sun, Apr 18 2021 at 1:54 PM, Sam Bankman-Fried <<u>sam@alameda-research.com</u>> wrote: Hey!

I have a bunch of thoughts on this.

Here's something I wrote up recently on it--want to read it, and then decide whether it makes sense for us to have a call on it?

https://docs.google.com/document/d/1LRQcugHfFEp1zqG9rRZ3v2ikXuGQ\_7w8oqpkoMHOnz8/edit?usp=sharing

Sam

Sam Bankman-Fried

On April 19, 2021, 1:18 AM GMT+8 matt@paradigm.xyz wrote:

Sam: hope you are well.

One thought/question for you:

We really like you and the FTX business, but feel \$20B+ is mismatched with the scale of the current business. We gather that many other high quality investors may feel similarly.

Would you entertain an offer around \$10B if we can aggregate a super high quality syndicate?

Eg perhaps it is Paradigm, Tiger, Coatue, Ribbit, MFN, etc?

This would still be low (~4%) dilution, while getting a bunch of premium names on the cap table ahead of any plans to go public / make inroads into the US.

If you'd be open to entertaining, we could work to try to put something together...

On Thu, Feb 25 2021 at 3:04 AM, Sam Bankman-Fried < sam@alameda-research.com > wrote: Thanks:)

Hopefully that will come to fruition!

Sam Bankman-Fried

On February 25, 2021, 7:44 AM GMT+8 matt@paradigm.xyz wrote:

Hey Sam:

Just wanted to give you a heads up that I spoke to Robert Sarver about you and FTX/Alameda. He was curious to do some referencing. Said all good things.. so best of luck on whatever collaboration you guys are cooking up.

Best,

Matt

# Exhibit F

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY

	A	В	С	D	E	F
1	Project Name	Status	Lead(s)	Investment Ty	Category	Investment an
2	Modulo Capital	8. Closed	Adam Jin, Ram	Equity	Mining	\$550,000,000
3	Anthropic	8. Closed	Sam Bankman-	Equity	Al	\$499,999,900
4	Digital Assets DA AG	8. Closed	Sam Bankman-	Acquisition, Equ	Mining	\$320,000,000
5	IEX	8. Closed	Sam Bankman-	Acquisition	Exchange	\$270,000,000
6	Genesis Digital Assets (Feb 22)	8. Closed	Adam Jin, Ram	Equity	Mining	\$250,565,931
7	Modulo Capital (Second Subscription)	8. Closed	Sam Bankman-	Fund		\$250,000,000
8	K5	4. Soft committ	Sam Bankman-	Equity	Fund	\$200,000,000
9	Modulo Capital	8. Closed	Sam Bankman-	Fund		\$150,000,000
10	Pionic (Toss)	8. Closed	Sam Bankman-	Equity	Digital Banking	\$113,700,000
11	LUNA	9. Exited	Brian Lee	OTC, Token		\$107,700,346
12	Genesis Digital Assets	8. Closed	Ramnik Arora,	Equity	Mining	\$100,000,000
13	Dave Inc	8. Closed	Ramnik Arora	Convertible Not	Digital Banking	\$100,000,000
14	Sequoia Capital Fund, L.P.	8. Closed	Sam Bankman-	Fund	Fund	\$100,000,000
15	Sequoia Capital Heritage Fund / SCHF Cayman LP	8. Closed	Sam Bankman-	Fund	Fund	\$100,000,000
16	LINEAR	9. Exited	Brian Lee	OTC, Token		\$100,000,000
17	Mysten Labs	8. Closed	Amy Wu	Equity	Infrastructure	\$99,999,843
	ONT	9. Exited	Brian Lee	OTC, Token		\$96,222,857
19	VOYAGER DIGITAL LTD.	8. Closed	Ramnik Arora	Equity	Borrowing/Lend	\$75,000,001
20	VOYAGER DIGITAL LTD. (Loan)	8. Closed	Ramnik Arora	Promissory Not		\$75,000,000
21	Aptos / Matonee Inc(Series A)	8. Closed	Ramnik Arora	Equity	Layer1	\$74,999,941
22	HOLE Tokens	8. Closed	Ramnik Arora	Token		\$67,500,000
23	Liquid Value Fund I LP	8. Closed	Ramnik Arora	Fund	Fund	\$60,000,000
24	Triple Dot	8. Closed	Amy Wu	Equity	Gaming	\$50,000,000
	NEAR (FTX follow up)	8. Closed	Brian Lee, Amy	Token	Layer1	\$50,000,000
26	Polygon Network	8. Closed	Ramnik Arora	Token	Layer2	\$50,000,000
	Yuga Labs (BAYC)	8. Closed	Amy Wu	Equity	NFT	\$50,000,000
28	Exodus		Sam Bankman-	Equity	Wallet	\$49,999,986
	SkyBridge Capital II, LLC	7. Pending on p	Ramnik Arora	Fund		\$45,000,000
30	REN	9. Exited	Brian Lee	OTC, Token		\$40,948,702
31	Critical Ideas, Inc. (Chipper Cash)	8. Closed	Ramnik Arora	Equity		\$40,000,000
	,	8. Closed	Ramnik Arora,	Equity	Bridge, Infrastru	\$40,000,000
33	Brinc Drones	8. Closed	Ramnik Arora	Equity		\$39,999,992
34	Chipper Cash / Critical Ideas Inc (additional investment)	8. Closed	Ramnik Arora	Equity		\$35,000,000
	Play Up	8. Closed	Sam Bankman-			\$35,000,000
36	Voyager Digital PIPE	8. Closed	Ramnik Arora	PIPE		\$35,000,000
37	FTM	9. Exited	Brian Lee	OTC, Token		\$34,949,727
38	Port Finance (Token Swap) / Contrarian Defi LLC	8. Closed	Sam Bankman-	Token		\$33,400,000
39	PROM	9. Exited	Brian Lee	OTC, Token		\$30,725,590

# Exhibit G

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY



Sino Global Capital in partnership with FTX





Information Current as of January 5, 2022



## **Executive Summary**

Liquid Value Fund I is a stage agnostic closed-ended VC fund that invests in blockchain technology, cryptocurrencies and adjacent infrastructure.



Sino Global Capital is an Asia-based VC that has an unrealized multiple of 31.8x on mark-to-market investments that were made with prop capital over the last 15 months.

SGC is the GP responsible for all fund discretionary decisions of Liquid Value Fund I.



FTX is a cryptocurrency derivatives exchange that handles over \$10B in daily volume.

FTX will serve as Co-GP and anchor LP of Liquid Value Fund I, providing significant strategic advantage. FTX will provide up to \$60m in capital contributions.

- Fund I has a current portfolio of 22 investments, including an investment with a 14x markup and one with a 31x markup.
- GP will return 100% of LP capital before taking carried interest.
- Substantial investment weight given to FTX, Solana, and Serum ecosystems.





- I. Sino Global Capital
- 2. Liquid Value Fund I ("LV I")
- 3. Case Studies
- 4. Offering Overview
- 5. Contact & Data Room
- 6. Appendix

## **Key Facts**

#### Sino Global Capital - Key Facts:

- > Founded in 2015 and exclusively crypto-focused since early 2017.
- Writes strategic checks to best-in-class blockchain and digital asset projects.
- > Known for strong Asia-based networks and ability to bridge East-West gaps.
- Prop AUM of more than \$300M.

#### Sino Global Capital - Team Member Distribution:



Note: Beijing (1), Shanghai (1), Kunming (2), Hong Kong (1), Kuala Lumpur (1), Singapore (1), The Hague (1), Miami (1), Utah (1), USA (1), Bengaluru (2).

#### Sino Global Capital

#### SINO FTX

#### Team



Managing Partner & CEO Matthew Graham

Matthew has seven years of mainland China investment banking experience with a focus on representing international technology companies in China for strategic partnership and investment. Previously Matthew working in financial services as trader.



Senior Investment Associate **Hans Xiang** 

Hans has over 3 years' experience in the blockchain industry. He completed his BSc in Finance & Control at The Hague University of Applied Sciences and has recently finished his MSc in Financial Technology at The University of Glasgow. He has a multilingual background in English, Chinese and Dutch. Mormiscient Asian



Haru Chen

Haru is a serial entrepreneur and investor from China's Yunnan Province. She has been focused on blockchain since 2015, and has invested in numerous successful projects including Ethereum, Neo, Ontology, EOS, Ada, RSK, and AE.



Vice President - Com nunications Sally Wang

Sally has 6+ years combined experience in communications and crypto. Started as a Journalist in China state-owned media CGTN and found her passion for crypto. She has guided multiple crypto brands including TokenInsight, Velo Labs, DCG's Foundry etc. asaltywang666



Chief of Staff **Dermot McGrath** 

Dermot has over 5 years of China experience focusing on corporate finance, investment analysis, deal making and technology commercialization. Before joining Sino Global Capital, he worked as a Finance Manager for a blue-chip Chinese Fortune 500 company. adermoting



Investment Associate **Thomas Tang** 

Thomas has 2+ years of experience in traditional finance, previously working at Citibank across multiple verticals including equities, credit & risk, portfolio & asset management. Thomas graduated from the London School of Economics in 2019, majoring in Accounting and Finance.



COO & Head of Investment Ian Wittkopp

lan has 6 years of experience working lan has 6 years of experience working at the Bureau of Labor Statistics in Washington, D.C. in both the Budget and Economic Indicators Offices. Before joining SGC, lan also consulted for numerous MNCs including Volkswagen-China and was a Product Manager at an InsurTech. alanw888



Investment Associate Wei Han

Wei Han has over 6 years of product development experience in the Fintech industry. An early participant to the DeFi space, he was top 100 in the Degen Score leaderboard. Now, as a full-time investment associate at SGC he helps contribute to deal sourcing and research.



General Counsel & Head of IR **Patrick Loney** 

Over seven years experience as a lawyer, merchant banker and entrepreneur in mainland China. Serving as General Counsel and fundraiser for SGC. Fluent in English and proficient in English and proncie Mandarin @PatrickLoneyo



Investment Analyst Ben Poynor

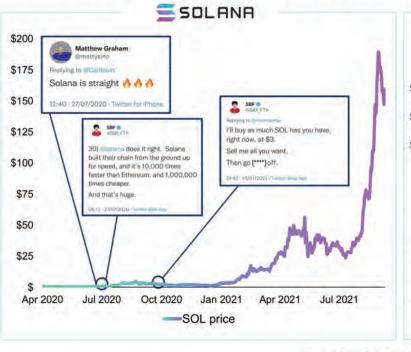
Ben has four years of crypto experience, three years in backend web development, and two years in venture capital. moxPernutis

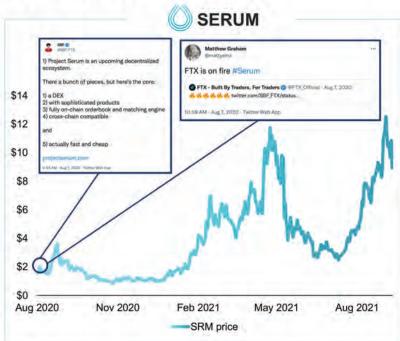
#### Sino Global Capital

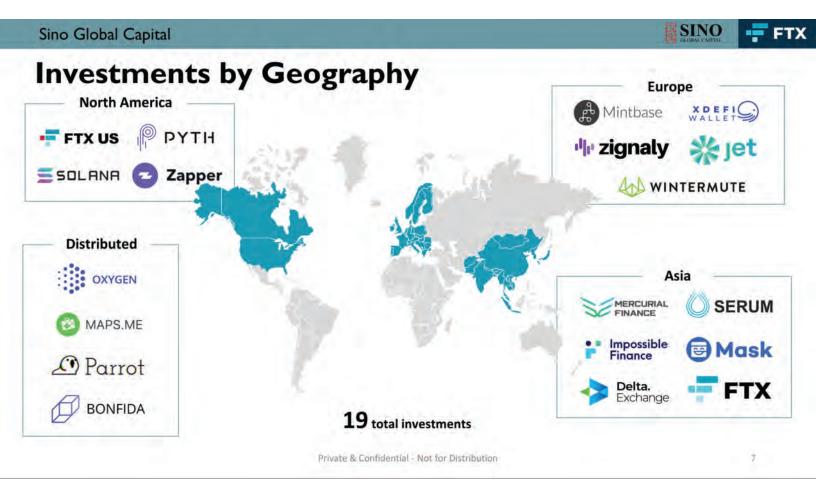




## We invest early and with conviction











No.

## **Return Performance**



\*Note: See Appendix I for details





- I. Sino Global Capital
- 2. Liquid Value Fund I ("LV I")
- 3. Case Studies
- 4. Offering Overview
- 5. Contact & Data Room
- 6. Appendix

#### Liquid Value Fund I





## Fund & Manager

- > Liquid Value Fund I, LP (the "Fund") is managed by Sino Global Capital ("SGC") in partnership with FTX.
- SGC will make all discretionary decisions regarding the management of the Fund.
- > FTX will be co-GP and anchor LP. The fund represents the first time that FTX has allocated capital to an outside VC manager.
- SGC's mark-to market prop capital investments have a 31.8x unrealized multiple.
- SGC has 22 deals (and counting) in the Liquid Value Fund I portfolio.









## **Key Advantages**

Competition for the best deals has increased; LV Fund I has significant advantages to access the best deal flow



#### Partnership with FTX

- FTX as a co-GP and anchor LP unlocks significant strategic advantage.
- Rapidly growing brand recognition in US through high profile sponsorships of Miami Heat Arena, MLB and star athletes including Tom Brady, Steph Curry and Lewis Hamilton



## Best-in-class reputation and expertise

- Crypto is an industry with large amounts of "vaporware."
- SGC investment signals trustworthiness and quality
- SGC provides key strategic relationships and postinvestment support to portfolio.



#### Significant mindshare in Solana ecosystem

- SGC has invested broadly in Solana infrastructure
- Co-hosted a product demo day with Solana team to showcase best-in-class teams.
- Solana Ecosystem Outlook with SBF (FTX founder), Anatoly Yakovenko (Solana founder) and Matt (SGC founder)



#### Strong Asia-based network and geographic diversity

- SGC provides a strong Asia network and expertise, while also bridging Western networks.
- Being an Asia-based VC provides a significant advantage in winning deals.



## **Key Advantages: FTX**



REAL TIME NET WORTH \$22.5B as of 10/11/21

 Sam Bankman-Fried is the richest person in crypto, thanks to his FTX exchange and Alameda Research trading firm. THE WALL STREET JOURNAL.

MARKETS | DEALS

## Crypto Exchange FTX Valued at \$18 Billion in Funding Round

Investors include SoftBank, Sequoia Capital and Daniel Loeb's Third Point hedge fund



Private & Confidential - Not for Distribution



Cryptocurrencies

#### Tom Brady and Gisele Bündchen Take Equity Stake in Crypto Firm FTX

By <u>Vildana Hajric</u> + Follow June 29, 2021, 8:00 PM GMT+8 Updated on June 30, 2021, 3:10 AM GMT+8

- 'They were both really into it,' says FTX's Sam Bankman-Fried
- Tampa quarterback tweets Monday that 'laser eyes didn't work'

12

#### Liquid Value Fund I





53/1

## **Key Advantages: FTX**

FTX as a Co-GP and anchor LP unlocks significant strategic value through FTX ecosystem collaboration

Sam Bankman-Fried is the CEO or founding member of the below entities



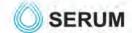
- Raised \$1.32B in 2021; valued at \$25B.
- Lists over 250 futures and 100 spot markets.
- Avg daily volume of \$12-15B.
- Official sponsor of Major League baseball and Miami Heat.



- Subsidiary of FTX, focused on the U.S. market.
- Acquired LedgerX to expand offerings.
- Controls a CFTC derivatives clearing organization license letting it host complex contracts on the platform.
- Avg daily volume of \$200-250M.



- Best-in-class OTC desk & market making services
- Manages over \$1B in digital assets
- > Trades between \$1-\$10 billion per day across thousands of products



- First decentralized, on-chain, central limit order book.
- Recently launched permissioned markets setting.
- \$40M+ in daily volume (trailing 7 days)

FTX

Liquid Value Fund I





## Key Advantages: Solana Mindshare

SGC has gained significant mindshare in the Solana ecosystem investing in key projects and infrastructure



See Solana Demo Day hosted and organized by SGC

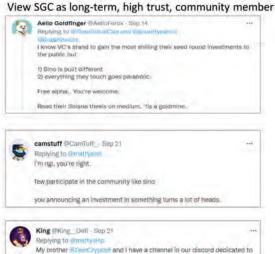




## **Key Advantages: Reputation**

SGC has spent years cultivating deep ecosystem relationships; SGC on a cap table is signal that a project is high quality

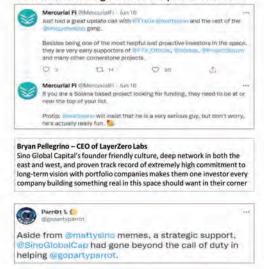
#### Reputation among crypto users and other investors:



Sino investments, Between you and olionocloselCap's tweets, you guys have made us some serious money. Thank you

#### Reputation among builders and portfolio companies:

View SGC as taking extra effort post-investment



#### Liquid Value Fund I





## Portfolio Investments (Page I of 2)

Project	Category	Description		
Decentralized Exchange		<b>Orca</b> is the easiest, fastest, and most user-friendly automated market marker on Solana, a human-centred DEX built to optimise for simplicity and composability.		
<b>1</b> Layer Zero.	Cross-Chain Architecture	LayerZero is an omnichain interoperability protocol that united decentralized applications across disparate blockchains.		
(C) (E) (C) Institutional Liquidity		Clearpool is a decentralized capital markets ecosystem, where institutions can borrow uncollateralized liquidity, and LPs ge attractive rewards.		
Z ZETA	Decentralized Derivatives	Zeta is the premier under-collateralized DeFi options plateralized providing liquid derivatives trading to individuals and institualike.		
Blockchain Infrastructure  Wybe Network is the premier data-pro for the Solana & Serum community.		<b>Vybe Network</b> is the premier data-processing & analytics protoco for the Solana & Serum community.		
SOLCERY	Gaming Infrastructure	<b>Solcery</b> is a decentralized games hub on Solana, connecting players developers and creators in one place.		
PHANTASIA	Sports Gaming	Phantasia is the first of its kind Fantasy Sports Platform made for players and powered by Blockchain technology.		





## Portfolio Investments (Page 2 of 2)

Project	Category	Description
<b>∑</b> paraswap	DeFi Aggregator	ParaSwap aggregates decentralized exchanges and other DeFi services in one comprehensive interface to streamline and facilitate users' interactions with DeFi.
STAKE	Liquid Staking	pSTAKE is a liquid staking protocol unlocking the liquidity of staked assets which can be used in DeFi to generate additional yield.
Atomic Form	NFT Hardware Media, bridging physical verification, participation a	
THINKING	Decentralised Gaming	Nyan Heroes is a NFT play-and-earn metaverse built on Solana featuring a third-person shooter battle royale game.
RETUEX	Sports Betting	<b>BetDex</b> is a global decentralised sports betting protocol that is permissionless, allowing anyone to build applications on top.
X D E F I S	Wallet Infrastructure	XDEFI Wallet is a multi-chain wallet built for DeFi users and NFT lovers with native integrations on THORChain, Ethereum, several EVM networks and Terra.
C cypher	Decentralized Exchange	Cypher is a decentralized synthetic asset protocol on the Solana blockchain that facilitates price and demand discovery in nascent markets.
marginfi	marginfi Trading Protocol MarginFi allows traders to seamlessly trade across Sol through one global margin account.	





- I. Sino Global Capital
- 2. Liquid Value Fund I ("LV I")
- 3. Case Studies
- 4. Offering Overview
- 5. Contact & Data Room
- 6. Appendix

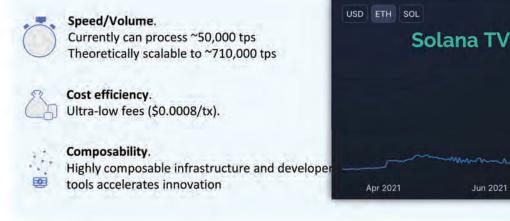
#### Case Study





## Solana

Solana is a built to **optimize speed, volume, cost efficiency and composability**, which we believe will drive mass adoption of Solana-based crypto services.





Source: DeFi Llama

Watch: Matthew Graham, SBF and Solana founder Anatoly Yakovenko discuss upcoming trends in the Solana ecosystem. (September 10, 2021)
Read: Solana's roadmap for increased decentralization and scaling.

#### Case Study





## Solana

Solana is a highly performant chain with the ability to scale transactions



<sup>\*</sup>ETH2.0 stats are theoretical

Note on Decentralization: At ~1,000 nodes, Solana is often criticized for being "centralized." We agree Solana needs more independent nodes and believe it will as it grows. However, mass adoption (among devs, consumers and institutions) will not hinge on decentralization but rather on speed, volume, cost and composability.

#### Case Study





### Serum

In August 2020, FTX launched Serum, the first DEX using a fully decentralized central limit orderbook (CLOB). Serum enables transaction bundling and potential for advanced, automated investment strategies.

#### Serum and its ecosystem are highly composable DeFi Applications built via composable blocks Applications use Serum as an economic clearing BONFIDA コープ | COPE mechanism, share Serum's common liquidity pool and access services offered by one another. OXYGEN STAR ATLAS **Key Benefit** Infrastructure This allows projects to focus their efforts on refining their own product (i.e. risk engine, margin engine, front end) PYTH SERUM and business model, and to launch, pivot and iterate as needed. Layer 1 SOLANA

Serum Ecosystem project examples in Appendix





## **Adjacent Investment Opportunities**

We continue to invest in projects that are adjacent to our core focus of DeFi and the Solana ecosystem. Typically, these decisions are made based on the quality of the founders and teams at these companies.



#### Cryptocurrency derivatives exchange built by traders, for traders

- Offers innovative products including industry-first derivatives, options, volatility products and leveraged tokens
- Strives to be robust enough for professional trading firms and intuitive enough for first-time users



#### Global NFT platform and marketplace

- "Shopify for NFTs": allows anyone to create their own NFTs and marketplace while abstracting away all complexity
- Innovative auction types and token features such as spawning, self-destructing and embedded value tokens

#### **WINTERMUTE**

#### Leading Crypto market maker and proprietary trading firm

- Crypto-native market maker focused on creating efficient, liquid, transparent markets
- Provides liquidity algorithmically more than \$5B+/day across most cryptocurrency exchanges and trading platforms





- I. Sino Global Capital
- 2. Liquid Value Fund I ("LV I")
- 3. Case Studies
- 4. Offering Overview
- 5. Contact & Data Room
- 6. Appendix

#### Liquid Value Fund I





## Offering Overview

The investments we make out of **Liquid Value Fund I** will leverage SGC's strong reputation, experience, and network while adding the immense strategic benefits of a best-in-class partner like FTX.

We plan to continue to cultivate high ROI opportunities in the FTX, Solana, and Serum ecosystems while broadening into other areas of innovation.

	Cayman Counsel:	III WALKERS
Service	LPA/PPM:	COLE-FRIEMAN & MALLON LLP
Providers	Tax:	BPM
	Administrator	STOVER

## Liquid Value Fund I

General Partners	GLOBAL CAPITAL FTX
Size	\$175M Target; \$200M Hard Cap
Minimum Ticket	\$1 million
Term	Close-ended: 10 (+1) years
Investment Period	4 years (ideal is 18–30 months)
Distribution	100% of LP capital returned before GP carry
Mgmt Fee / Carry	2% / 20%
Initial Closing	December 15, 2021 (\$10m; FTX)
Investment Stage	Early-stage; Follow-on; Private "treasury rounds"; Select big tickets

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24





- I. Sino Global Capital
- 2. Liquid Value Fund I ("LV I")
- 3. Case Studies
- 4. Offering Overview
- 5. Contact & Data Room
- 6. Appendix

#### **Next Steps**





## **Contact & Data Room**

#### **Data Room Contents:**

- PPM
- · LPA
- Subscription Agreement
- · Team Track Record
- · Warehouse/Portfolio Materials
- Organizational Documents

#### Contact and Data Room Access:

Detailed descriptions of the offering, our investment track record, warehoused and portfolio investments, and subscription documents can be found in the Fund's data room.

Please email <u>investors@sinoglobalcapital.com</u> to request access.





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- I. Sino Global Capital
- 2. Liquid Value Fund I ("LV I")
- 3. Case Studies
- 4. Offering Overview
- 5. Contact & Data Room
- 6. Appendix

#### Appendix I





## SGC Prop Track Record Mark-to-Market Investments

Company	Token ticker	Investment Amount (\$000s)	% of prop cap	Mark-to-Market (5000s)	MOIC
Serum	SRM	Hard Control of the C			114.7x
Mask Network	MASK				42.9x
Bonfida	FIDA				35.5x
Delta Exchange	DETO				5.4x
MAPS	MAPS				11.5x
Oxygen	OXY	Redacted – See Data Room			
Solana	SOL				
Zignaly	ZIG				8.6x
Mercurial Finance	MER				3.2x
Impossible Finance	IF				28.7x
Jet Protocol	JET				19x
Party Parrot	PRT				4.3x
Total		\$4,0	80,000	38% \$129,	705,997 31.8x

#### Investments with no public market price

Company	Token ticker	Investment.Amount (\$000s)	% of prop cap	Mark-to-Market (\$000s)	MOK	
Mintbase	1	The state of the s				1x
Wintermute						
Zapper.fi	14	Redacted – See Data Room				1x
Pyth	4.	Redacted – See Data Room				1x
FTX	-				_	1x
FTX.US					-	1x
Total		\$6,7	72,842 6	2%	\$6,772,842	1x

Note: The multiple of 31,8X was calculated based on 12 investments using the following formula: [Current market price of all SGC primary or private deals which are actively traded with a quosed market price] / [Total invested capital on such deals]. The 6 primary or private deals for which there is not a current public market price are excluded from the calculation, although, if comps were used, many of these investments would show significant gains.

Finally, secondary market purchases of Solana (at a blended price below \$2) and FTX's exchange token FTT (at a blended price below \$1) are not included in the above estimates. As of January 5, 2022, Solana was traded at \$149.31 and FTT at \$37.23.



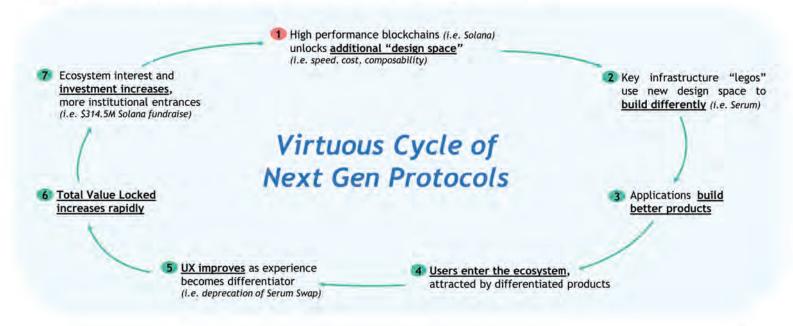
#### Appendix 2





## Solana Advantage Visual

High performance next generation blockchains unlock a virtuous cycle leading to mass adoption







## **Interesting Solana Ecosystem Projects**

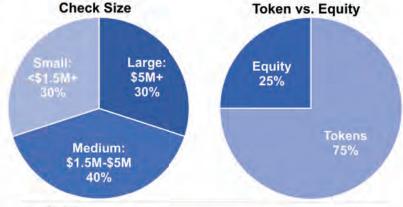
Product	Industry	Description
PYTH	Data Oracle	To compete with NASDAQ as a provider of real time data to financial firms, Jump Capital identified Solana as the only viable blockchain on which to launch Pyth, an oracle that feeds real-time data from around the world directly into Serum and registered on the Solana blockchain.
Serum	Infrastructure	FTX chose Solana on which to build Serum, the first ever decentralized central limit order book (CLOB) on which other financial apps are built. We discuss Serum in more detail in the following slides.
柴jet	DeFi	Taking advantage of Solana's highly composable blockchain, Jet Protocol built out a borrow-lending protocol available for its own users and also other projects within the Serum ecosystem. Jet will even allow for cross chain rate arbitrage powered by Solana and Serum.
Parrot	DeFi	Parrot Protocol is a liquidity and lending network that uses their own stablecoin, PAI to centralize exposure taken across multiple collateral types. The team chose Solana because allows multiple processing steps to be combined into a single transaction, enabling complex collateral types to be efficiently liquidated.
AUDIUS	Music Streaming	Audius is a blockchain-powered, decentralized music streaming service with social media features. It is owned and run by an open-source community of artists, fans, and developers. The founders of Audius chose Solana for its high-performance and ability to house a platform with the potential need to scale rapidly.
STAR ATLAS	Gaming	Star Atlas is a next-generation video game involving space exploration, territorial conquest, political domination, and more. It features a decentralized economy and plans to evolve into a metaverse. (Watch trailer). The team chose Solana because it is the only blockchain with the computational bandwidth akin to the modern internet.



### **Portfolio Construction**

In our prop capital investments, we were capital constrained and not able to "size up" and lead as many investment rounds as desired.

- In Liquid Value Fund I, we will continue to invest heavily in early-stage (Seed/Series A) projects. Check sizes are under \$1.5M with 30% capital allocated. These early-stage investments will start a relationship with the founders and allow for value to be built post investment.
- Roughly 40% of the fund will be invested in deals between \$1.5M-\$5M. With this check size we will lead follow-ons for Seed/Series A projects. Additionally, we will participate in private placements.
- Finally, roughly 30% of the fund will be invested in deals over \$5M. These are unique opportunities where ability to size up meets conviction.





- Co-lead investor
- Token investment in a seed round project.
- Post money-cap \$25M
- Strategy: Build relationship and size up in future rounds.





- Private placement token investment from Orca treasury.
- Received token discount for lockup & strategic support. Strategy: Size positions up.
- Series B equity investment w/ dividend. Chain agnostic crypto-adjacent
- infrastructure
- Strategy: Strategic cooperation & future investment

#### Appendix 4

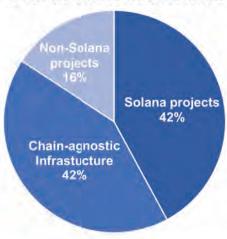


### **Portfolio Construction**

The investment breakdown of our prop capital could reflect thinking on future investment allocations.

- Solana projects (42%): We continue to see strong deal flow in the Solana ecosystem due to our strong reputation and mindshare. These projects span DeFi, NFTs/gaming, sports betting, and developer infrastructure.
- Chain-agnostic infrastructure (42%): We view cryptoadjacent or supporting infrastructure like centralized exchanges, wallets, market makers, and agnostic aggregators as superior investment opportunities in a multi-chain world.
- Non-Solana projects (16%): We continue to believe in a multi-chain world where different use cases are more suited or less suited for different chains. We have also made investments on Ethereum, NEAR, and Binance Smart Chain.

#### Potential Investment Breakdown



**Note:** The above percentages reflect the breakdown of our previous prop capital portfolio (19 investments); Liquid Value Fund I *could* exhibit a similar breakdown.



# Exhibit H

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY

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#### UNIFORM APPLICATION FOR INVESTMENT ADVISER REGISTRATION AND REPORT BY EXEMPT REPORTING ADVISERS

Primary Business Name: SINO GLOBAL CAPITAL MANAGEMENT LLC CRD Number: 326303 Other-Than-Annual Amendment - All Sections Rev. 10/2021 6/30/2023 12:36:30 PM WARNING: Complete this form truthfully. False statements or omissions may result in denial of your application, revocation of your registration, or criminal prosecution. You must keep this form updated by filing periodic amendments. See Form ADV General Instruction 4. Item 1 Identifying Information Responses to this Item tell us who you are, where you are doing business, and how we can contact you. If you are filing an umbrella registration, the information in Item 1 should be provided for the filing adviser only. General Instruction 5 provides information to assist you with filing an umbrella registration. Your full legal name (if you are a sole proprietor, your last, first, and middle names): SINO GLOBAL CAPITAL MANAGEMENT LLC (1) Name under which you primarily conduct your advisory business, if different from Item 1.A. SINO GLOBAL CAPITAL MANAGEMENT LLC List on Section 1.B. of Schedule D any additional names under which you conduct your advisory business. (2) If you are using this Form ADV to register more than one investment adviser under an umbrella registration, check this box  $\Box$ If you check this box, complete a Schedule R for each relying adviser. If this filing is reporting a change in your legal name (Item 1.A.) or primary business name (Item 1.B.(1)), enter the new name and specify whether the name change is of your legal name or  $\square$  your primary business name: (1) If you are registered with the SEC as an investment adviser, your SEC file number: (2) If you report to the SEC as an exempt reporting adviser, your SEC file number: 802-127878 (3) If you have one or more Central Index Key numbers assigned by the SEC ("CIK Numbers"), all of your CIK numbers: No Information Filed (1) If you have a number ("CRD Number") assigned by the FINRA's CRD system or by the IARD system, your CRD number: 326303 If your firm does not have a CRD number, skip this Item 1.E. Do not provide the CRD number of one of your officers, employees, or affiliates. (2) If you have additional CRD Numbers, your additional CRD numbers: No Information Filed Principal Office and Place of Business (1) Address (do not use a P.O. Box): Number and Street 1: Number and Street 2: 1111 BRICKELL AVENUE, 10TH FLOOR City: State: Country: ZIP+4/Postal Code: MIAMI Florida **United States** 33131 If this address is a private residence, check this box: List on Section 1.F. of Schedule D any office, other than your principal office and place of business, at which you conduct investment advisory business. If you are applying for registration, or are registered, with one or more state securities authorities, you must list all of your offices in the state or states to which you are applying for registration or with whom you are registered. If you are applying for SEC registration, if you are registered only with the SEC, or if you are reporting to the SEC as an exempt reporting adviser, list the largest twenty-five offices in terms of numbers of employees as of the end of your most recently completed fiscal year. (2) Days of week that you normally conduct business at your principal office and place of business: Monday - Friday ○ Other: Normal business hours at this location: (3) Telephone number at this location: 1 206 972 6047 (4) Facsimile number at this location, if any:

(5) What is the total number of offices, other than your principal office and place of business, at which you conduct investment advisory business as of

the end of your most recently completed fiscal year?

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G.	Mailing address, if different	from your principal office and place of	of business <mark>rath</mark> ress:			
	Number and Street 1:		Number and Street 2:			
	City:	State:	Country:	ZIP+4/Postal Code:		
	If this address is a private	residence, check this box: 🗖				
Н.	If you are a sole proprietor	, state your full residence address, i	f different from your <i>principal</i>	I office and place of business address in Item 1.F.:		
	Number and Street 1:		Number and Street 2:			
	City:	State:	Country:	ZIP+4/Postal Code:		
	,		,		Vas	No
I.	Do you have one or more v LinkedIn)?	vebsites or accounts on publicly avai	lable social media platforms	(including, but not limited to, Twitter, Facebook and	•	0
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J.	Chief Compliance Officer					
J.	·	contact information of your Chief Con	onliance Officer If you are ar	n <i>exempt reporting adviser</i> , you must provide the cont	act	
	information for your Chief C	Compliance Officer, if you have one. I	f not, you must complete Ite		dot	
	Name:		Other titles, if any:			
	Telephone number:		Facsimile number, if any:			
	Number and Street 1:	Chala	Number and Street 2:	710 4/0 1110 0 1		
	City:	State:	Country:	ZIP+4/Postal Code:		
	Electronic mail (e-mail) ad	dress, if Chief Compliance Officer has	s one:			
	•	pany Act of 1940 that you advise for nber (if any):		you, a <i>related person</i> or an investment company regis officer services to you, provide the <i>person's</i> name and		I
K.		act Person: If a person other than the may provide that information here.	ne Chief Compliance Officer i	is authorized to receive information and respond to q	uesti	ons
	Name:		Titles:			
	Telephone number:		Facsimile number, if any:			
	Number and Street 1:		Number and Street 2:			
	City:	State:	Country:	ZIP+4/Postal Code:		
	Electronic mail (e-mail) ad	Idress, if contact person has one:				
					Yes	No
L.	•	all of the books and records you are our <i>principal office and place of busines</i> :	·	on 204 of the Advisers Act, or similar state law,	0	⊚
	If "yes," complete Section 1	.L. of Schedule D.			Voc	No
NA	Are you registered with a f	foreign financial regulatory authority?				_
IVI.	Are you registered with a r	oreign imanicial regulatory authority:			0	⊚
	•	registered with a foreign financial regu ," complete Section 1.M. of Schedule l		ave an affiliate that is registered with a foreign financial	1	
	J J J J	,			Yes	No
N.	Are you a public reporting of	company under Sections 12 or 15(d)	of the Securities Exchange A	Act of 1934?	0	•
			3.		_	No
0	Did you bayo \$1 billion or "	more in assets on the last day of you	ur most recent fiscal year?			
Ο.	If yes, what is the approximation	more in assets on the last day of you mate amount of your assets:	ii most recent uscat year?		0	•
	C \$1 billion to less than					
	\$10 billion to less than	n \$50 billion				

C \$50 billion or more

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For purposes of Item 1.0. only, "assets" refers to your total assets, rather than the assets you manage on behalf of clients. Determine your total assets using the total assets shown on the balance sheet for your most recent fiscal year end.

P. Provide your Legal Entity Identifier if you have one:

A legal entity identifier is a unique number that companies use to identify each other in the financial marketplace. You may not have a legal entity identifier.

SECTION 1.B. Other Business Names
No Information Filed
No Information Filed
SECTION 1.F. Other Offices
No Information Filed
SECTION 1.I. Website Addresses
List your website addresses, including addresses for accounts on publicly available social media platforms where you control the content (including, but not limited to, Twitter, Facebook and/or LinkedIn). You must complete a separate Schedule D Section 1.I. for each website or account on a publicly available social media platform.
Address of Website/Account on Publicly Available Social Media Platform: https://sinoglobalcapital.com/
Address of Website/Account on Publicly Available Social Media Platform: https://twitter.com/SinoGlobalCap
Address of Website/Account on Publicly Available Social Media Platform: https://www.linkedin.com/company/sinoglobalcapital
SECTION 1.L. Location of Books and Records
No Information Filed
SECTION 1.M. Registration with Foreign Financial Regulatory Authorities
No Information Filed
Item 2 SEC Registration/Reporting
SEC Reporting by Exempt Reporting Advisers
B. Complete this Item 2.B. only if you are reporting to the SEC as an exempt reporting adviser. Check all that apply. You:
(1) qualify for the exemption from registration as an adviser solely to one or more venture capital funds, as defined in rule 203(I)-1;
qualify for the exemption from registration because you act solely as an adviser to <i>private funds</i> and have assets under management, as defined in rule 203(m)-1, in the United States of less than \$150 million;
(3) act solely as an adviser to <i>private funds</i> but you are no longer eligible to check box 2.B.(2) because you have assets under management, as defined in rule 203(m)-1, in the United States of \$150 million or more.
If you check box (2) or (3), complete Section 2.B. of Schedule D.

#### SECTION 2.B. Private Fund Assets

NOTE: "Private fund assets" has the same meaning here as it has under rule 203(m)-1. If you are an investment adviser with its principal office and place of business casses 1223 in the 1230 point of 1230 point of

ten	Form of Organization	
f yo	are filing an umbrella registration, the information in Item 3 should be provided for the filing adviser only.	
A.	ow are you organized?	
	C Corporation	
	Sole Proprietorship	
	C Limited Liability Partnership (LLP)	
	O Partnership	
	C Limited Liability Company (LLC)	
	Limited Partnership (LP)	
	Other (specify):	
	f you are changing your response to this Item, see Part 1A Instruction 4.	
B.	n what month does your fiscal year end each year? ECEMBER	
C.	nder the laws of what state or country are you organized?	
	State Country	
	Delaware United States	
	f you are a partnership, provide the name of the state or country under whose laws your partnership was formed. If you are a sole proprietor, provide the ame of the state or country where you reside.	
	f you are changing your response to this Item, see Part 1A Instruction 4.	
ten	6 Other Business Activities	
In tl	s Item, we request information about your firm's other business activities.	
A.	ou are actively engaged in business as a (check all that apply):	
	(1) broker-dealer (registered or unregistered)	
	(2) registered representative of a broker-dealer     (3) commodity pool operator or commodity trading advisor (whether registered or exempt from registration)	
	<ul> <li>(3) commodity pool operator or commodity trading advisor (whether registered or exempt from registration)</li> <li>(4) futures commission merchant</li> </ul>	
	(5) real estate broker, dealer, or agent	
	(6) insurance broker or agent	
	(7) bank (including a separately identifiable department or division of a bank) (8) trust company	
	(8) trust company (9) registered municipal advisor	
	(10) registered security-based swap dealer	
	(11) major security-based swap participant	
	(12) accountant or accounting firm	
	(13) lawyer or law firm (14) other financial product salesperson (specify):	
	f you engage in other business using a name that is different from the names reported in Items 1.A. or 1.B.(1), complete Section 6.A. of Schedule D.	
		s No
B.	1) Are you actively engaged in any other business not listed in Item 6.A. (other than giving investment advice)?	_
	If "yes," describe this other business on Section 6.B.(2) of Schedule D, and if you engage in this business under a different name, provide that name	
		s No
	3) Do you sell products or provide services other than investment advice to your advisory <i>clients</i> ?	•
	If "yes," describe this other business on Section 6.B.(3) of Schedule D, and if you engage in this business under a different name, provide that name	).

No Information Filed

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SECTION 6.B.(2) Description of Primary Business	<u>/1.230</u>
Describe your primary business (not your investment advisory business):	
If you engage in that business under a different name, provide that name:	

#### SECTION 6.B.(3) Description of Other Products and Services

Describe other products or services you sell to your client. You may omit products and services that you listed in Section 6.B.(2) above.

If you engage in that business under a different name, provide that name:

#### Item 7 Financial Industry Affiliations

In this Item, we request information about your financial industry affiliations and activities. This information identifies areas in which conflicts of interest may occur between you and your *clients*.

A. This part of Item 7 requires you to provide information about you and your related persons, including foreign affiliates. Your related persons are all of your advisory affiliates and any person that is under common control with you.

You have a related person that is a (check all that apply):

(1)	broker-dealer,	municipal securities dealer,	, or government securities br	oker or dealer	(registered or	unregistered)
-----	----------------	------------------------------	-------------------------------	----------------	----------------	---------------

- (2) other investment adviser (including financial planners)
- (3) registered municipal advisor
- (4) registered security-based swap dealer
- ☐ (5) major security-based swap participant ☐ (6) commodity pool operator or commodity
  - (6) commodity pool operator or commodity trading advisor (whether registered or exempt from registration)
- (7) futures commission merchant
- ☐ (8) banking or thrift institution
- (9) trust company
- (10) accountant or accounting firm
- (11) lawyer or law firm
- (12) insurance company or agency
- (13) pension consultant
- (14) real estate broker or dealer
- $\square$  (15) sponsor or syndicator of limited partnerships (or equivalent), excluding pooled investment vehicles
- (16) sponsor, general partner, managing member (or equivalent) of pooled investment vehicles

Note that Item 7.A. should not be used to disclose that some of your employees perform investment advisory functions or are registered representatives of a broker-dealer. The number of your firm's employees who perform investment advisory functions should be disclosed under Item 5.B.(1). The number of your firm's employees who are registered representatives of a broker-dealer should be disclosed under Item 5.B.(2).

Note that if you are filing an umbrella registration, you should not check Item 7.A.(2) with respect to your relying advisers, and you do not have to complete Section 7.A. in Schedule D for your relying advisers. You should complete a Schedule R for each relying adviser.

For each related person, including foreign affiliates that may not be registered or required to be registered in the United States, complete Section 7.A. of Schedule D.

You do not need to complete Section 7.A. of Schedule D for any related person if: (1) you have no business dealings with the related person in connection with advisory services you provide to your clients; (2) you do not conduct shared operations with the related person; (3) you do not refer clients or business to the related person, and the related person does not refer prospective clients or business to you; (4) you do not share supervised persons or premises with the related person; and (5) you have no reason to believe that your relationship with the related person otherwise creates a conflict of interest with your clients.

You must complete Section 7.A. of Schedule D for each related person acting as qualified custodian in connection with advisory services you provide to your clients (other than any mutual fund transfer agent pursuant to rule 206(4)-2(b)(1)), regardless of whether you have determined the related person to be operationally independent under rule 206(4)-2 of the Advisers Act.

#### SECTION 7.A. Financial Industry Affiliations

Complete a separate Schedule D Section 7.A. for each related person listed in Item 7.A.

- Legal Name of Related Person: LIQUID VALUE GP LIMITED
- Primary Business Name of Related Person: LIQUID VALUE GP LIMITED
- 3. Related Person's SEC File Number (if any) (e.g., 801-, 8-, 866-, 802-)

		729)	,,	
4.	Rela	ated Person's		
	(a)	CRD Number (if any):		
	(b)	CIK Number(s) (if any):		
	. ,	No Information Filed		
5.	Rela	ated Person is: (check all that apply)		
	(a)			
	(b)	other investment adviser (including financial planners)		
	(c)	registered municipal advisor		
	(d) (e)	registered security-based swap dealer major security-based swap participant		
	(f)	commodity pool operator or commodity trading advisor (whether registered or exempt from registration)		
	(g)	futures commission merchant		
	(h)	□ banking or thrift institution □ trust company		
	(i) (j)	☐ trust company ☐ accountant or accounting firm		
	(k)	□ lawyer or law firm		
	(l)	insurance company or agency		
	(m)			
	(n) (o)	real estate broker or dealer sponsor or syndicator of limited partnerships (or equivalent), excluding pooled investment vehicles		
	(p)	sponsor, general partner, managing member (or equivalent) of pooled investment vehicles		
			Yes	No
6.	Do 3	you <i>control</i> or are you <i>controlled</i> by the <i>related person</i> ?	0	•
7.	Are	you and the related person under common control?		С
			٠	
8.	(a)	Does the related person act as a qualified custodian for your clients in connection with advisory services you provide to clients?	0	•
	(b)	If you are registering or registered with the SEC and you have answered "yes," to question 8.(a) above, have you overcome the		С
		presumption that you are not operationally independent (pursuant to rule 206(4)-2(d)(5)) from the <i>related person</i> and thus are not require to obtain a surprise examination for your <i>clients'</i> funds or securities that are maintained at the <i>related person</i> ?	d	
	(c)	If you have answered "yes" to question 8.(a) above, provide the location of the related person's office responsible for custody of your client	s'asse	ets:
		Number and Street 1: Number and Street 2:		
		City: State: Country: ZIP+4/Postal Code:  If this address is a private residence, check this box:		
		In this dudicess is a private residence, check this box.	Yes	No
9.	(a)	If the related person is an investment adviser, is it exempt from registration?	0	С
	(b)	If the answer is yes, under what exemption?		
10	(-)	Leading and a second control of the second control of the second and the second and the second and the second control of the second		
10		Is the related person registered with a foreign financial regulatory authority?  If the answer is yes, list the name and country, in English of each foreign financial regulatory authority with which the related person is regist	O ered	⊚
	(0)	No Information Filed	ereu.	
11	Do y	you and the related person share any supervised persons?	•	С
12	Do y	you and the <i>related person</i> share the same physical location?	⊙	С
Ite	n 7 <i>F</i>	Private Fund Reporting		
			Yes	No
B.	Are y	you an adviser to any <i>private fund</i> ?	•	С
	If "ye	es," then for each private fund that you advise, you must complete a Section 7.B.(1) of Schedule D, except in certain circumstances described in th	e next	
		ence and in Instruction 6 of the Instructions to Part 1A. If you are registered or applying for registration with the SEC or reporting as an SEC exem <sub>l</sub> ting adviser, and another SEC-registered adviser or SEC exempt reporting adviser reports this information with respect to any such private fund in		n
		iting adviser, and another Sec-registered adviser of Sec exempt reporting adviser reports this information with respect to any such private fund in (1) of Schedule D of its Form ADV (e.g., if you are a subadviser), do not complete Section 7.B.(1) of Schedule D with respect to that private fund. Yo		
	instea	ad, complete Section 7.B.(2) of Schedule D.		
	In eiti	ther case, if you seek to preserve the anonymity of a private fund client by maintaining its identity in your books and records in numerical or alphal	etical	
		or similar designation, pursuant to rule 204-2(d), you may identify the private fund in Section 7.B.(1) or 7.B.(2) of Schedule D using the same coc		

or

designation in place of the fund's name.

ATE FUND  ation About the Private Fund  ) Name of the private fund: LIQUID VALUE OFFSHORE FEEDER FUND I LP  ) Private fund identification number: (include the "805-" prefix also) 805-3374738176  ander the laws of what state or country is the private fund organized: State: Country:	
nation About the Private Fund  Name of the private fund: LIQUID VALUE OFFSHORE FEEDER FUND I LP  Private fund identification number: (include the "805-" prefix also) 805-3374738176	
Name of the <i>private fund</i> :  LIQUID VALUE OFFSHORE FEEDER FUND I LP  Private fund identification number: (include the "805-" prefix also)  805-3374738176  Indee the laws of what state or country is the <i>private fund</i> organized:	
LIQUID VALUE OFFSHORE FEEDER FUND I LP  Private fund identification number: (include the "805-" prefix also) 805-3374738176  Indeer the laws of what state or country is the private fund organized:	
) Private fund identification number: (include the "805-" prefix also) 805-3374738176  Indee the laws of what state or country is the private fund organized:	
(include the "805-" prefix also) 805-3374738176  Inder the laws of what state or country is the <i>private fund</i> organized:	
805-3374738176  nder the laws of what state or country is the <i>private fund</i> organized:	
State: Country:	
Cayman Islands	
Cayman Islands	
Name(s) of General Partner, Manager, Trustee, or Directors (or <i>persons</i> serving in a similar capacity):	
lame of General Partner, Manager, Trustee, or Director IQUID VALUE GP LIMITED	
) If filing an umbrella registration, identify the filing adviser and/or relying adviser(s) that sponsor(s) or manage(s) this private fund.	
No Information Filed	
st the name and country, in English, of each foreign financial regulatory authority with which the private fund is registered.	
No Information Filed	
) Is this a "master fund" in a master-feeder arrangement?	Yes I
) If yes, what is the name and <i>private fund</i> identification number (if any) of the feeder funds investing in this <i>private fund</i> ?	
No Information Filed	
	Yes I
) Is this a "feeder fund" in a master-feeder arrangement?	•
) If yes, what is the name and private fund identification number (if any) of the master fund in which this private fund invests?	
Private fund identification number:	
(include the "805-" prefix also)	
OTE: You must complete question 6 for each master-feeder arrangement regardless of whether you are filing a single Schedule D, Sec r the master-feeder arrangement or reporting on the funds separately.	tion 7.B.(1)
you are filing a single Schedule D, Section 7.B.(1) for a master-feeder arrangement according to the instructions to this Section 7.B.(1) to feeder funds answer the following questions:	), for each
No Information Filed	
	ame of General Partner, Manager, Trustee, or Director  IQUID VALUE GP LIMITED  ) If filing an umbrella registration, identify the filing adviser and/or relying adviser(s) that sponsor(s) or manage(s) this private fund.  No Information Filed  he private fund (check all that apply; you must check at least one):  (1) qualifies for the exclusion from the definition of investment company under section 3(c)(1) of the Investment Company Act of 19- (2) qualifies for the exclusion from the definition of investment company under section 3(c)(7) of the Investment Company Act of 19- (2) qualifies for the exclusion from the definition of investment company under section 3(c)(7) of the Investment Company Act of 19- (3) Is this a "master fund" in a master-feeder arrangement?  No Information Filed  ) Is this a "master fund" in a master-feeder arrangement?  No Information Filed  ) Is this a "feeder fund" in a master-feeder arrangement?  (if any) of the master fund in which this private fund invests?  Name of private fund:  LIQUID VALUE FUND I LP  Private fund identification number:  (include the "805-" prefix also)  DTE: You must complete question 6 for each master-feeder arrangement regardless of whether you are filing a single Schedule D. Sector the master-feeder arrangement or reporting on the funds separately.  you are filing a single Schedule D, Section 7.B.(1) for a master-feeder arrangement according to the instructions to this Section 7.B.(1) effected funds answer the following questions:

assets in a single fund ("master fund"). A fund would also be a "feeder fund" investing in a "master fund" for purposes of this question if it issued

multiple classes (or series) of shares or interests, and each class (or series) invests substantially all of its assets in a single master fund.

8.	(a) Is this private fund a "fund of funds"?  NOTE: For purposes of this question only, answer yes in the fund investment or more of its total assets in other pooled investment vehicles, regardless of whether they are also private funds or registered investment companies.	ooff C	•
	(b) If yes, does the <i>private fund</i> invest in funds managed by you or by a <i>related person</i> ?	0	0
		Yes	No
9.	During your last fiscal year, did the <i>private fund</i> invest in securities issued by investment companies registered under the Investment Company Act of 1940 (other than "money market funds," to the extent provided in Instruction 6.e.)?	0	•
10.	What type of fund is the <i>private fund</i> ?		
	C hedge fund C liquidity fund C private equity fund C real estate fund C securitized asset fund venture capital fund C Other private	te fun	id:
	NOTE: For definitions of these fund types, please see Instruction 6 of the Instructions to Part 1A.		
11.	Current gross asset value of the <i>private fund</i> : \$ 111,351,942		
<u>Ow</u>	nership		
12.	Minimum investment commitment required of an investor in the <i>private fund</i> :  \$ 1,000,000		
	NOTE: Report the amount routinely required of investors who are not your <i>related persons</i> (even if different from the amount set forth in the organizational documents of the fund).	<b>;</b>	
13.	Approximate number of the <i>private fund's</i> beneficial owners:  20		
14.	What is the approximate percentage of the <i>private fund</i> beneficially owned by you and your <i>related persons</i> : 2%		
15.	(a) What is the approximate percentage of the <i>private fund</i> beneficially owned (in the aggregate) by funds of funds: 5%		
	(b) If the private fund qualifies for the exclusion from the definition of investment company under section 3(c)(1) of the Investment Company Act of 1940, are sales of the fund limited to <i>qualified clients</i> ?	Yes ©	No C
16.	What is the approximate percentage of the <i>private fund</i> beneficially owned by non- <i>United States persons</i> : 98%		
You	ur Advisory Services		
17.	(a) Are you a subadviser to this <i>private fund</i> ?	Yes	No ⊙
	(b) If the answer to question 17.(a) is "yes," provide the name and SEC file number, if any, of the adviser of the <i>private fund</i> . If the answer question 17.(a) is "no," leave this question blank.		~
	No Information Filed		
		Yes	No
18.	<ul><li>(a) Do any investment advisers (other than the investment advisers listed in Section 7.B.(1).A.3.(b)) advise the <i>private fund</i>?</li><li>(b) If the answer to question 18.(a) is "yes," provide the name and SEC file number, if any, of the other advisers to the <i>private fund</i>. If the</li></ul>	C answ	<b>⊙</b> er
	to question 18.(a) is "no," leave this question blank.  No Information Filed		
	No illiorifiation Filed	Yes	No
19.	Are your <i>clients</i> solicited to invest in the <i>private fund</i> ?	0	•
	NOTE: For purposes of this question, do not consider feeder funds of the private fund.		
20.	Approximately what percentage of your <i>clients</i> has invested in the <i>private fund</i> ?  0%		
Priv	vate Offering		

21. Has the private fund ever relied on an exemption from registration of its securities under Regulation D of the Securities Act of 1933?

Yes No

22. If \	es, provide the <i>private hand's</i> Porth'D file huntber (it alty	No Informa	tion Filed		
. SERV	CE PROVIDERS				
Auditor	<u>s</u>				
23 (a)	(1) Are the <i>private fund's</i> financial statements subject	to an annual aud	it?		es No
23. (a)	(2) If the answer to question 23.(a)(1) is "yes," are the				9 O
	If the answer to question 23.(a)(1) is "yes," respond	to questions (b) t	hrough (h) below. If the <i>private fund</i> uses more than one audi		
	you must complete questions (b) through (f) separate  Additional Auditor Information : 1 Record(s) Filed.		ig illiii.		
		nd to questions (b)	through (h) below. If the <i>private fund</i> uses more than one au auditing firm.	ıditing	
	(b) Name of the auditing firm:  MARCUM (CAYMAN)				
	(c) The location of the auditing firm's office respons	sible for the <i>privat</i>	e fund's audit (city, state and country):		
	City:	State:	Country:		
	GRAND CAYMAN		Cayman Islands	Yes	No
	(d) Is the auditing firm an independent public account	ntant?		•	0
	(e) Is the auditing firm registered with the Public C	ompany Accountir	ng Oversight Board?	0	•
	If yes, Public Company Accounting Oversight Bo	pard-Assigned Nun	nber:		
	(f) If "yes" to (e) above, is the auditing firm subject accordance with its rules?	ct to regular inspe	ction by the Public Company Accounting Oversight Board in	0	О
				Y	es No
(g)	Are the <i>private fund's</i> audited financial statements for investors?	the most recently	completed fiscal year distributed to the private fund's		• 0
(h)	Do all of the reports prepared by the auditing firm for	the private fund s	ince your last annual updating amendment contain unqualified	opinic	ns?
	C Yes C No C Report Not Yet Received  If you check "Report Not Yet Received" you must promi	ntly file an amendr	nent to your Form ADV to update your response when the report	is ava	ilable
Drimo I			······································		
Prime I	<u>STOKET</u>			Ye	es No
24. (a)	Does the <i>private fund</i> use one or more prime brokers?	?		- 0	0
	If the answer to question 24.(a) is "yes," respond to fund uses more than one prime broker, you must com	•	ough (e) below for each prime broker the <i>private fund</i> uses. If b) through (e) separately for each prime broker.	the <i>pri</i>	ivate
		No Inforr	nation Filed		
Custod	an				
				Ye	es No
25. (a)	Does the <i>private fund</i> use any custodians (including the lift the answer to question 25.(a) is "yes," respond to uses more than one custodian, you must complete question 25.	questions (b) thro	ough (g) below for each custodian the private fund uses. If the	-	o te fund
	assumere than one custodian, you must complete qu		nation Filed		

Е

				Yes N
(a) Do	oes the <i>private fund</i> use ar	n administrator other than your firm	?	⊙ (
		6.(a) is "yes," respond to questions ) through (f) separately for each add	(b) through (f) below. If the <i>private fund</i> uses more than one administrate ministrator.	or, you
A	Additional Administrator I	nformation : 1 Record(s) Filed.		
	•	26.(a) is "yes," respond to question complete questions (b) through (f) se	s (b) through (f) below. If the <i>private fund</i> uses more than one eparately for each administrator.	
	(b) Name of administrator	r:		
	MG STOVER & CO			
	(c) Location of administra	ator (city, state and country):		
	City:	State:	Country:	
	DENVER	Colorado	United States	NI-
	(d) Is the administrator a	n related person of your firm?	res	No ⊙
	(,,	, ,		٠
	(e) Does the administrate	or prepare and send investor accour	nt statements to the <i>private fund's</i> investors?	
			me but not all investors) ONo (provided to no investors)	
	•		tends the investor account statements to the (rest of the) private fund's the (rest of the) private fund's investors, respond "not applicable."	
	related person?	at percentage of the <i>private funds</i> as	sets (by value) was valued by a <i>person</i> , such as an administrator, that is	not
your <i>r</i> 0% Includ	related person?  de only those assets where ant quotes, and (ii) the val	e (i) such <i>person</i> carried out the valu	sets (by value) was valued by a <i>person</i> , such as an administrator, that is lation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including	/
our r 1% nclud eleva	related person? de only those assets where ant quotes, and (ii) the val tions) was the valuation de	e (i) such <i>person</i> carried out the valu luation used for purposes of investor	lation procedure established for that asset, if any, including obtaining any	/
our r % nclud eleva llocat	related person?  de only those assets where ant quotes, and (ii) the valutions) was the valuation de	e (i) such <i>person</i> carried out the valu luation used for purposes of investor etermined by such <i>person</i> .	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including	/ ng
our r % nclud eleva llocat	related person?  de only those assets where ant quotes, and (ii) the valuations was the valuation decease.	e (i) such <i>person</i> carried out the valuluation used for purposes of investor etermined by such <i>person</i> .	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including the control of th	/ ng Yes 『
rour r 1% nclud eleva Ilocat eters a) Do Yo	de only those assets where ant quotes, and (ii) the valuations) was the valuation do one the private fund use the purpose must answer "yes" whe milar person. If the answer	e (i) such <i>person</i> carried out the valuation used for purposes of investor etermined by such <i>person</i> .  The services of someone other than year the person acts as a placement to question 28.(a) is "yes," response.	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including	/ ng <b>Yes !</b> O or
rour r )% nclud eleva illocat eters (a) Do yc	de only those assets where ant quotes, and (ii) the valuations) was the valuation do one the private fund use the purpose must answer "yes" whe milar person. If the answer	e (i) such <i>person</i> carried out the valuation used for purposes of investor etermined by such <i>person</i> .  The services of someone other than yeather the <i>person</i> acts as a placement to question 28.(a) is "yes," responsis more than one marketer you must	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including obtaining any or your employees for marketing purposes? It agent, consultant, finder, introducer, municipal advisor or other solicitor, did to questions (b) through (g) below for each such marketer the private for	/ ng <b>Yes</b> O or
our r % ncludeleva llocati eters a) Do Yo	de only those assets where ant quotes, and (ii) the valuations) was the valuation do one the private fund use the purpose must answer "yes" whe milar person. If the answer	e (i) such <i>person</i> carried out the valuation used for purposes of investor etermined by such <i>person</i> .  The services of someone other than yeather the <i>person</i> acts as a placement to question 28.(a) is "yes," responsis more than one marketer you must	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including our or your <i>employees</i> for marketing purposes? It agent, consultant, finder, introducer, municipal advisor or other solicitor, did to questions (b) through (g) below for each such marketer the <i>private fo</i> complete questions (b) through (g) separately for each marketer.	/ ng <b>Yes</b> or
ncludeleva eleva a) Do You	de only those assets where ant quotes, and (ii) the valuations) was the valuation do one the private fund use the purpose must answer "yes" whe milar person. If the answer	e (i) such <i>person</i> carried out the valuation used for purposes of investor etermined by such <i>person</i> .  The services of someone other than yeather the <i>person</i> acts as a placement to question 28.(a) is "yes," responsis more than one marketer you must	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including our or your <i>employees</i> for marketing purposes? It agent, consultant, finder, introducer, municipal advisor or other solicitor, did to questions (b) through (g) below for each such marketer the <i>private fo</i> complete questions (b) through (g) separately for each marketer.	/ ng <b>Yes</b> or
whether single was a second of the single was a	de only those assets where ant quotes, and (ii) the valuations) was the valuation do see the private fund use the purpose of the private fund uses. If the private fund uses.	e (i) such <i>person</i> carried out the valuluation used for purposes of investor etermined by such <i>person</i> .  The services of someone other than yeather the <i>person</i> acts as a placement to question 28.(a) is "yes," respons more than one marketer you must	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including our or your <i>employees</i> for marketing purposes? It agent, consultant, finder, introducer, municipal advisor or other solicitor, and to questions (b) through (g) below for each such marketer the <i>private for</i> complete questions (b) through (g) separately for each marketer.	/ ng <b>Yes</b> or
our r % nclud eleva eleva eters  y c sii us	de only those assets where ant quotes, and (ii) the valuations) was the valuation do see the private fund use the pulling person. If the answer sees. If the private fund uses	e (i) such <i>person</i> carried out the valuluation used for purposes of investor etermined by such <i>person</i> .  The services of someone other than yeather the <i>person</i> acts as a placement to question 28.(a) is "yes," respons more than one marketer you must	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including our or your <i>employees</i> for marketing purposes? It agent, consultant, finder, introducer, municipal advisor or other solicitor, and to questions (b) through (g) below for each such marketer the <i>private for</i> complete questions (b) through (g) separately for each marketer.	/ ng <b>Yes</b> or
our r % ncludeleva llocate llocate a) Do yo sin us //ATE	de only those assets where ant quotes, and (ii) the valuations was the valuation do so the private fund use the pulling masses. If the private fund uses fund uses the private fund uses fund uses for the private fund uses fund fund fund fund fund fund fund fund	e (i) such <i>person</i> carried out the valuation used for purposes of investor etermined by such <i>person</i> .  The services of someone other than yeather the <i>person</i> acts as a placement to question 28.(a) is "yes," responses more than one marketer you must	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including our or your <i>employees</i> for marketing purposes? It agent, consultant, finder, introducer, municipal advisor or other solicitor, and to questions (b) through (g) below for each such marketer the <i>private for</i> complete questions (b) through (g) separately for each marketer.	/ ng <b>Yes</b> or
vour r vo	The control of the private fund uses the private fund uses. If the private fund uses the private fund the priva	e (i) such <i>person</i> carried out the valuation used for purposes of investor etermined by such <i>person</i> .  The services of someone other than yeather the <i>person</i> acts as a placement to question 28.(a) is "yes," respons more than one marketer you must	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including our or your <i>employees</i> for marketing purposes? It agent, consultant, finder, introducer, municipal advisor or other solicitor, and to questions (b) through (g) below for each such marketer the <i>private for</i> complete questions (b) through (g) separately for each marketer.	/ ng <b>Yes</b> or
our r  nclud eleva eleva a) Do yo sii us  VATE  LI LI b) Pr (iii	related person?  de only those assets where ant quotes, and (ii) the valuations was the valuation do the private fund use the pulling of the private fund uses.  FUND  In About the Private fund:  QUID VALUE US FUND I LP private fund identification nunclude the "805-" prefix also.	e (i) such <i>person</i> carried out the valuation used for purposes of investor etermined by such <i>person</i> .  The services of someone other than yeather the <i>person</i> acts as a placement to question 28.(a) is "yes," respons more than one marketer you must	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including our or your <i>employees</i> for marketing purposes? It agent, consultant, finder, introducer, municipal advisor or other solicitor, and to questions (b) through (g) below for each such marketer the <i>private for</i> complete questions (b) through (g) separately for each marketer.	/ ng <b>Yes</b> Or
our r  nclud eleva eleva a) Do yo sii us  VATE  LI LI b) Pr (iii	related person?  de only those assets where ant quotes, and (ii) the valuations was the valuation do the private fund use the purpose of the private fund uses. If the private fund uses are of the private fund:  QUID VALUE US FUND I LP private fund identification numbers.	e (i) such <i>person</i> carried out the valuation used for purposes of investor etermined by such <i>person</i> .  The services of someone other than yeather the <i>person</i> acts as a placement to question 28.(a) is "yes," respons more than one marketer you must	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including our or your <i>employees</i> for marketing purposes? It agent, consultant, finder, introducer, municipal advisor or other solicitor, and to questions (b) through (g) below for each such marketer the <i>private for</i> complete questions (b) through (g) separately for each marketer.	/ ng <b>Yes</b> or
our r % ncluddeleva llocati llocati eters a) Do Yo sin us VATE LI LI (ir)	related person?  de only those assets where ant quotes, and (ii) the valuations was the valuation do the private fund use the pulling of the private fund uses.  FUND  In About the Private fund:  QUID VALUE US FUND I LP private fund identification nunclude the "805-" prefix also.	e (i) such <i>person</i> carried out the valuation used for purposes of investor etermined by such <i>person</i> .  The services of someone other than yeather the <i>person</i> acts as a placement to question 28.(a) is "yes," respons more than one marketer you must	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including our or your <i>employees</i> for marketing purposes? It agent, consultant, finder, introducer, municipal advisor or other solicitor, and to questions (b) through (g) below for each such marketer the <i>private for</i> complete questions (b) through (g) separately for each marketer.	/ ng <b>Yes</b> Or
our r/%  ncludeleva  eters  Ycc sin us  //ATE  //ATE  LI sin us  //ATE  80	related person?  de only those assets where ant quotes, and (ii) the valuations was the valuation do the private fund use the purpose of the private fund uses. If the private fund uses are of the private fund:  [QUID VALUE US FUND I LP private fund identification nunclude the "805-" prefix als 05-4350860371	e (i) such <i>person</i> carried out the valuation used for purposes of investor etermined by such <i>person</i> .  The services of someone other than yeather the <i>person</i> acts as a placement to question 28.(a) is "yes," respons more than one marketer you must	nation procedure established for that asset, if any, including obtaining any subscriptions, redemptions or distributions, and fee calculations (including purposes) and or your employees for marketing purposes? It agent, consultant, finder, introducer, municipal advisor or other solicitor, and to questions (b) through (g) below for each such marketer the private for complete questions (b) through (g) separately for each marketer.  To Information Filed	/ ng <b>Yes</b> Or

United States

Delaware

	over decelerated the decelerated the decelerated by the decelerated of the decelerated by	UI	
(b) If	Filing an umbrella registration, identify the filing adviser and/or relying adviser(s) that sponsor(s) or manage(s) this private fund.		
	No Information Filed		
<ul><li>✓ (1)</li><li>✓ (2)</li></ul>	ivate fund (check all that apply; you must check at least one): qualifies for the exclusion from the definition of investment company under section 3(c)(1) of the Investment Company Act of 1940 qualifies for the exclusion from the definition of investment company under section 3(c)(7) of the Investment Company Act of 1940		
List th	e name and country, in English, of each foreign financial regulatory authority with which the private fund is registered.		
	No Information Filed		_
(a) Is	this a "master fund" in a master feeder arrangement?	Yes	
	this a "master fund" in a master-feeder arrangement?	0	•
(0) 11	yes, what is the name and <i>private fund</i> identification number (if any) of the feeder funds investing in this <i>private fund</i> ?		
	No Information Filed		
		Yes	No
(c) Is	this a "feeder fund" in a master-feeder arrangement?	•	О
(d) If Na LIG	yes, what is the name and <i>private fund</i> identification number (if any) of the master fund in which this <i>private fund</i> invests?  me of <i>private fund</i> :  QUID VALUE FUND I LP  vate fund identification number:  clude the "805-" prefix also)		
If you	master-feeder arrangement or reporting on the funds separately.  are filing a single Schedule D, Section 7.B.(1) for a master-feeder arrangement according to the instructions to this Section 7.B.(1), for	r each	ı of
,	are filing a single Schedule D, Section 7.B.(1) for a master-feeder arrangement according to the instructions to this Section 7.B.(1), for deer funds answer the following questions:	r each	n of
,	are filing a single Schedule D, Section 7.B.(1) for a master-feeder arrangement according to the instructions to this Section 7.B.(1), for	r each	n of
NOTE:	are filing a single Schedule D, Section 7.B.(1) for a master-feeder arrangement according to the instructions to this Section 7.B.(1), for deer funds answer the following questions:	of th	eir d
NOTE: assets multip	are filing a single Schedule D, Section 7.B.(1) for a master-feeder arrangement according to the instructions to this Section 7.B.(1), for each funds answer the following questions:  No Information Filed  For purposes of questions 6 and 7, in a master-feeder arrangement, one or more funds ("feeder funds") invest all or substantially all in a single fund ("master fund"). A fund would also be a "feeder fund" investing in a "master fund" for purposes of this question if it	of the	eir d
NOTE: assets multip  (a) Is  NOTE:	are filing a single Schedule D, Section 7.B.(1) for a master-feeder arrangement according to the instructions to this Section 7.B.(1), for eder funds answer the following questions:  No Information Filed  For purposes of questions 6 and 7, in a master-feeder arrangement, one or more funds ("feeder funds") invest all or substantially all in a single fund ("master fund"). A fund would also be a "feeder fund" investing in a "master fund" for purposes of this question if it e classes (or series) of shares or interests, and each class (or series) invests substantially all of its assets in a single master fund.	of th issued Yes	eir d
NOTE: assets multip  (a) Is  NOTE: vehicle	For purposes of questions 6 and 7, in a master-feeder arrangement, one or more funds ("feeder funds") invest all or substantially all in a single fund ("master fund"). A fund would also be a "feeder fund" investing in a "master fund" for purposes of this question if it e classes (or series) of shares or interests, and each class (or series) invests substantially all of its assets in a single master fund.  This private fund a "fund of funds"?  For purposes of this question only, answer "yes" if the fund invests 10 percent or more of its total assets in other pooled investment.	of th issued Yes	eir d No
NOTE: assets multip	are filing a single Schedule D, Section 7.B.(1) for a master-feeder arrangement according to the instructions to this Section 7.B.(1), for ader funds answer the following questions:  No Information Filed  For purposes of questions 6 and 7, in a master-feeder arrangement, one or more funds ("feeder funds") invest all or substantially all in a single fund ("master fund"). A fund would also be a "feeder fund" investing in a "master fund" for purposes of this question if it e classes (or series) of shares or interests, and each class (or series) invests substantially all of its assets in a single master fund. this <i>private fund</i> a "fund of funds"?  For purposes of this question only, answer "yes" if the fund invests 10 percent or more of its total assets in other pooled investment is, regardless of whether they are also <i>private funds</i> or registered investment companies.	of th issued Yes	eir d No
NOTE: assets multip  (a) Is  NOTE: vehicle (b) If	are filing a single Schedule D, Section 7.B.(1) for a master-feeder arrangement according to the instructions to this Section 7.B.(1), for ader funds answer the following questions:  No Information Filed  For purposes of questions 6 and 7, in a master-feeder arrangement, one or more funds ("feeder funds") invest all or substantially all in a single fund ("master fund"). A fund would also be a "feeder fund" investing in a "master fund" for purposes of this question if it e classes (or series) of shares or interests, and each class (or series) invests substantially all of its assets in a single master fund. this <i>private fund</i> a "fund of funds"?  For purposes of this question only, answer "yes" if the fund invests 10 percent or more of its total assets in other pooled investment is, regardless of whether they are also <i>private funds</i> or registered investment companies.	of thissued	eir d No
NOTE: assets multip  (a) Is  NOTE: vehicle (b) If	For purposes of questions 6 and 7, in a master-feeder arrangement, one or more funds ("feeder funds") invest all or substantially all in a single fund ("master fund"). A fund would also be a "feeder fund" investing in a "master fund" for purposes of this question if it e classes (or series) of shares or interests, and each class (or series) invests substantially all of its assets in a single master fund.  this <i>private fund</i> a "fund of funds"?  For purposes of this question only, answer "yes" if the fund invests 10 percent or more of its total assets in other pooled investment is, regardless of whether they are also <i>private funds</i> or registered investment companies.  yes, does the <i>private fund</i> invest in funds managed by you or by a <i>related person</i> ?	of thissued	eir d No
NOTE: assets multip  (a) Is NOTE: vehicle (b) If  During Compa	are filing a single Schedule D, Section 7.B.(1) for a master-feeder arrangement according to the instructions to this Section 7.B.(1), for order funds answer the following questions:  No Information Filed  For purposes of questions 6 and 7, in a master-feeder arrangement, one or more funds ("feeder funds") invest all or substantially all in a single fund ("master fund"). A fund would also be a "feeder fund" investing in a "master fund" for purposes of this question if it is classes (or series) of shares or interests, and each class (or series) invests substantially all of its assets in a single master fund. It is private fund a "fund of funds"?  For purposes of this question only, answer "yes" if the fund invests 10 percent or more of its total assets in other pooled investment is, regardless of whether they are also private funds or registered investment companies. It is private fund invest in funds managed by you or by a related person?  Your last fiscal year, did the private fund invest in securities issued by investment companies registered under the Investment my Act of 1940 (other than "money market funds," to the extent provided in Instruction 6.e.)?	of thissued	eir d No
NOTE: assets multip  (a) Is  NOTE: vehicle (b) If  During Compa	are filing a single Schedule D, Section 7.B.(1) for a master-feeder arrangement according to the instructions to this Section 7.B.(1), for order funds answer the following questions:  No Information Filed  For purposes of questions 6 and 7, in a master-feeder arrangement, one or more funds ("feeder funds") invest all or substantially all in a single fund ("master fund"). A fund would also be a "feeder fund" investing in a "master fund" for purposes of this question if it e classes (or series) of shares or interests, and each class (or series) invests substantially all of its assets in a single master fund. this private fund a "fund of funds"?  For purposes of this question only, answer "yes" if the fund invests 10 percent or more of its total assets in other pooled investment s, regardless of whether they are also private funds or registered investment companies. yes, does the private fund invest in funds managed by you or by a related person?  your last fiscal year, did the private fund invest in securities issued by investment companies registered under the Investment ny Act of 1940 (other than "money market funds," to the extent provided in Instruction 6.e.)?	of thissued	eir d No

Ownership

12.	*CeseO::23-md-03076-KMM Document 348-30 EnteredonrEESDDook&e01/008/20043 Page 663  NOTE: Report the amount routinely required of investors who are not present in the private fund:  **The private fun		
13.	Approximate number of the <i>private fund's</i> beneficial owners:		
14.	What is the approximate percentage of the <i>private fund</i> beneficially owned by you and your <i>related persons</i> : 2%		
15.	(a) What is the approximate percentage of the <i>private fund</i> beneficially owned (in the aggregate) by funds of funds: 8%		
	(b) If the private fund qualifies for the exclusion from the definition of investment company under section 3(c)(1) of the Investment Company Act of 1940, are sales of the fund limited to <i>qualified clients</i> ?	Yes ⊙	No C
16.	What is the approximate percentage of the <i>private fund</i> beneficially owned by non- <i>United States persons</i> :  1%		
Υοι	ur Advisory Services	Voo	No.
17.	(a) Are you a subadviser to this <i>private fund</i> ?	nes	No ⊙
	(b) If the answer to question 17.(a) is "yes," provide the name and SEC file number, if any, of the adviser of the <i>private fund</i> . If the answer question 17.(a) is "no," leave this question blank.		
	No Information Filed		
		Yes	No
18.	(a) Do any investment advisers (other than the investment advisers listed in Section 7.B.(1).A.3.(b)) advise the <i>private fund</i> ?  (b) If the answer to question 18.(a) is "yes," provide the name and SEC file number, if any, of the other advisers to the <i>private fund</i> . If the	C answ	<b>⊙</b> /er
	to question 18.(a) is "no," leave this question blank.  No Information Filed		
	No mornation riled	Voc	. No
19.	Are your <i>clients</i> solicited to invest in the <i>private fund</i> ?	0	. 140
	NOTE: For purposes of this question, do not consider feeder funds of the private fund.		
20.	Approximately what percentage of your <i>clients</i> has invested in the <i>private fund</i> ?  0%		
<u>Priv</u>	vate Offering	.,	
21.	Has the <i>private fund</i> ever relied on an exemption from registration of its securities under Regulation D of the Securities Act of 1933?	ves	No C
22.	If yes, provide the <i>private fund's</i> Form D file number (if any):		
	Form D file number		
	021-424560		
3. S	ERVICE PROVIDERS		
Aud	ditors experience of the second secon	Vos	s No
23.	(a) (1) Are the <i>private fund's</i> financial statements subject to an annual audit?	· •	0
	(2) If the answer to question 23.(a)(1) is "yes," are the financial statements prepared in accordance with U.S. GAAP?	•	o
	If the answer to question 23.(a)(1) is "yes," respond to questions (b) through (h) below. If the <i>private fund</i> uses more than one auditing you must complete questions (b) through (f) separately for each auditing firm.	g firm	٦,
	Additional Auditor Information : 1 Record(s) Filed.		
	If the answer to question 23.(a)(1) is "yes," respond to questions (b) through (h) below. If the <i>private fund</i> uses more than one aud firm, you must complete questions (b) through (f) separately for each auditing firm.	ting	

		Name of the auditing firm:				
(	Case	14.29-1116-103076-KMM		EitetereloborFESSDDDokkeb01 <i>10061</i> 2120243 PR.gge( 20	3 <b>6</b> 4 of	f
	(c)	The location of the auditing firm		vate fund's audit (city, state and country):		
		City:	State:	Country:		
		GRAND CAYMAN		Cayman Islands		
	(-1)	La tha a condition from an independent	1tttt			No
	(a)	Is the auditing firm an independ	ent public accountant?		⊚	0
	(e)	Is the auditing firm registered v	vith the Public Company Accou	nting Oversight Board?	0	•
		If yes, Public Company Account	ing Oversight Board-Assigned N	Number:		
	(f)	If "yes" to (e) above, is the aud accordance with its rules?	liting firm subject to regular ins	spection by the Public Company Accounting Oversight Board in	0	o
					Y	es No
(g)		he <i>private fund's</i> audited financia stors?	I statements for the most recer	ntly completed fiscal year distributed to the private fund's	6	⊙ 0
(h)	) Do al	I of the reports prepared by the	auditing firm for the <i>private fun</i>	d since your last annual updating amendment contain unqualifie	d opinic	ons?
	O y	es C No 🖸 Report Not Yet Rece	ived			
	If you	u check "Report Not Yet Received,"	" you must promptly file an amei	ndment to your Form ADV to update your response when the repo	rt is ava	ilable.
<u>Prime</u>	Brokei	-			V.	es No
24. (a)	) Does	the <i>private fund</i> use one or more	e prime brokers?			es ivi
	If the	e answer to question 24.(a) is "y	es," respond to questions (b) t	hrough (e) below for each prime broker the <i>private fund</i> uses. Is (b) through (e) separately for each prime broker.		
			No Inf	formation Filed		
Custod	lian					
					Y	es No
25. (a)	) Does	the private fund use any custodia	ans (including the prime broker	rs listed above) to hold some or all of its assets?	(	0 0
				hrough (g) below for each custodian the <i>private fund</i> uses. If though (g) separately for each custodian.	ne <i>privat</i>	te fund
			No Inf	formation Filed		
<u>Admin</u>	istrato	<u>.</u>			V	es No
26. (a)	) Does	the <i>private fund</i> use an administ	rator other than your firm?			es ivid
	If the	•	es," respond to questions (b) th	hrough (f) below. If the <i>private fund</i> uses more than one admin		
		itional Administrator Information	<u></u>			
		he answer to question 26.(a) is 'ministrator, you must complete q		through (f) below. If the <i>private fund</i> uses more than one ately for each administrator.		
	(b)	Name of administrator: MG STOVER & CO				
	(c)	Location of administrator (city,	state and country):			
		City:	State:	Country:		
	- 11	DENVER	Colorado	United States		

Yes Case 1:23-md-03076-kMM/berDocument-348-30 EnteredoorFESSDDookke01106320023 Page665 (	No Of <sub>©</sub>
(e) Does the administrator prepare and send investor account statements to the <i>private fund's</i> investors?	
(f) If the answer to question 26.(e) is "no" or "some," who sends the investor account statements to the (rest of the) <i>private fund's</i> investors? If investor account statements are not sent to the (rest of the) <i>private fund's</i> investors, respond "not applicable."	
<ul> <li>27. During your last fiscal year, what percentage of the <i>private fund's</i> assets (by value) was valued by a <i>person</i>, such as an administrator, that is your <i>related person</i>?</li> <li>0%</li> <li>Include only those assets where (i) such <i>person</i> carried out the valuation procedure established for that asset, if any, including obtaining any relevant quotes, and (ii) the valuation used for purposes of investor subscriptions, redemptions or distributions, and fee calculations (including allocations) was the valuation determined by such <i>person</i>.</li> </ul>	/
<u>Marketers</u>	
28. (a) Does the <i>private fund</i> use the services of someone other than you or your <i>employees</i> for marketing purposes?	Yes No
You must answer "yes" whether the <i>person</i> acts as a placement agent, consultant, finder, introducer, municipal advisor or other solicitor, similar <i>person</i> . If the answer to question 28.(a) is "yes," respond to questions (b) through (g) below for each such marketer the <i>private fi</i> uses. If the <i>private fund</i> uses more than one marketer you must complete questions (b) through (g) separately for each marketer.	
No Information Filed	
Funds per Page: 15 Total Funds: 2	
SECTION 7.B.(2) Private Fund Reporting  No Information Filed	
tem 10 Control Persons	
In this Item, we ask you to identify every <i>person</i> that, directly or indirectly, <i>controls</i> you. If you are filing an <i>umbrella registration</i> , the information in It should be provided for the <i>filing adviser</i> only.	em 10
If you are submitting an initial application or report, you must complete Schedule A and Schedule B. Schedule A asks for information about your direct owners. If this is an amendment and you are updating information you ron either Schedule A or Schedule B (or both) that you filed with your initial application or report, you must complete Schedule C.	
A. Does any <i>person</i> not named in Item 1.A. or Schedules A, B, or C, directly or indirectly, <i>control</i> your management or policies?	C ©
If yes, complete Section 10.A. of Schedule D.	
B. If any <i>person</i> named in Schedules A, B, or C or in Section 10.A. of Schedule D is a public reporting company under Sections 12 or 15(d) of the Se Exchange Act of 1934, please complete Section 10.B. of Schedule D.	ecurities
SECTION 10.A. Control Persons	
No Information Filed	
SECTION 10 B. Cantral Parsan Bublic Paparting Companies	

No Information Filed

#### Item 11 Pisclosure 23 matig 3076-KMM Document 348-30 Elettered obor FES SCD Docket 01/10/08/2002 Plage 666 of In this Item, we ask for information about your disciplinary history and the disciplinary history of all your advisory affiliates. We use this information to determine whether to grant your application for registration, to decide whether to revoke your registration or to place limitations on your activities as an investment adviser, and to identify potential problem areas to focus on during our on-site examinations. One event may result in "yes" answers to more than one of the questions below. In accordance with General Instruction 5 to Form ADV, "you" and "your" include the filing adviser and all relying advisers under an umbrella registration. Your advisory affiliates are: (1) all of your current employees (other than employees performing only clerical, administrative, support or similar functions); (2) all of your officers, partners, or directors (or any person performing similar functions); and (3) all persons directly or indirectly controlling you or controlled by you. If you are a "separately identifiable department or division" (SID) of a bank, see the Glossary of Terms to determine who your advisory affiliates are. If you are registered or registering with the SEC or if you are an exempt reporting adviser, you may limit your disclosure of any event listed in Item 11 to ten years following the date of the event. If you are registered or registering with a state, you must respond to the questions as posed; you may, therefore, limit your disclosure to ten years following the date of an event only in responding to Items 11.A.(1), 11.A.(2), 11.B.(1), 11.B.(2), 11.D.(4), and 11.H.(1)(a). For purposes of calculating this ten-year period, the date of an event is the date the final order, judgment, or decree was entered, or the date any rights of appeal from preliminary orders, judgments, or decrees lapsed. You must complete the appropriate Disclosure Reporting Page ("DRP") for "yes" answers to the questions in this Item 11. Yes No Do any of the events below involve you or any of your supervised persons? $\circ$ **(** For "yes" answers to the following questions, complete a Criminal Action DRP: In the past ten years, have you or any advisory affiliate: Yes No (1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any felony? 6 (2) been charged with any felony? If you are registered or registering with the SEC, or if you are reporting as an exempt reporting adviser, you may limit your response to Item 11.A.(2) to charges that are currently pending. In the past ten years, have you or any advisory affiliate: (1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to a misdemeanor involving: (e) investments or an investment-related business, or any fraud, false statements, or omissions, wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses? (2) been charged with a misdemeanor listed in Item 11.B.(1)? If you are registered or registering with the SEC, or if you are reporting as an exempt reporting adviser, you may limit your response to Item 11.B.(2) to charges that are currently pending For "yes" answers to the following questions, complete a Regulatory Action DRP: Has the SEC or the Commodity Futures Trading Commission (CFTC) ever: Yes No (1) found you or any advisory affiliate to have made a false statement or omission? (2) found you or any advisory affiliate to have been involved in a violation of SEC or CFTC regulations or statutes? (0) (3) found you or any advisory affiliate to have been a cause of an investment-related business having its authorization to do business denied, suspended, revoked, or restricted? (4) entered an order against you or any advisory affiliate in connection with investment-related activity? **(** (5) imposed a civil money penalty on you or any advisory affiliate, or ordered you or any advisory affiliate to cease and desist from any activity? (3) Has any other federal regulatory agency, any state regulatory agency, or any foreign financial regulatory authority: (1) ever found you or any advisory affiliate to have made a false statement or omission, or been dishonest, unfair, or unethical? (2) ever found you or any advisory affiliate to have been involved in a violation of investment-related regulations or statutes? (3) (3) ever found you or any advisory affiliate to have been a cause of an investment-related business having its authorization to do business denied, suspended, revoked, or restricted? (4) in the past ten years, entered an order against you or any advisory affiliate in connection with an investment-related activity? **©**

(5) ever denied, suspended, or revoked your or any advisory affiliate's registration or license, or otherwise prevented you or any advisory affiliate, by order, from associating with an investment-related business or restricted your or any advisory affiliate's activity?

(2) found you or any advisory affiliate to have been involved in a violation of its rules (other than a violation designated as a "minor rule

or the advisory affiliate from association with other members, or otherwise restricting your or the advisory affiliate's activities?

(3) found you or any advisory affiliate to have been the cause of an investment-related business having its authorization to do business denied,

(4) disciplined you or any advisory affiliate by expelling or suspending you or the advisory affiliate from membership, barring or suspending you

Has any self-regulatory organization or commodities exchange ever:

violation" under a plan approved by the SEC)?

suspended, revoked, or restricted?

(1) found you or any advisory affiliate to have made a false statement or omission?

F.	Has an authorization to act as an attorney, accountant, or federal contractor granted to you or any advisory affiliate ever been revoked or sus case? 1:23-md-03076-KMM Document 348-30 Entered to or FESSOD Docker 01/06/2/0023 Page 667 o	f <sup>O</sup>	•	
G.	Are you or any <i>advisory affiliate</i> now the subject of any regulatory <i>proceeding</i> that could result in a "yes" answer to any part of Item 11.C., 11.D., or 11.E.?	0	0	
For	r "yes" answers to the following questions, complete a Civil Judicial Action DRP:			
Н.	(1) Has any domestic or foreign court:	Yes	No	
	(a) in the past ten years, enjoined you or any advisory affiliate in connection with any investment-related activity?	0	•	
	(b) ever found that you or any advisory affiliate were involved in a violation of investment-related statutes or regulations?	0	•	
	(c) ever dismissed, pursuant to a settlement agreement, an investment-related civil action brought against you or any advisory affiliate by a state or foreign financial regulatory authority?	0	•	
	(2) Are you or any advisory affiliate now the subject of any civil proceeding that could result in a "yes" answer to any part of Item 11.H.(1)?	0	0	

#### Schedule A

#### **Direct Owners and Executive Officers**

- 1. Complete Schedule A only if you are submitting an initial application or report. Schedule A asks for information about your direct owners and executive officers. Use Schedule C to amend this information.
- 2. Direct Owners and Executive Officers. List below the names of:
  - (a) each Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Compliance Officer (Chief Compliance Officer is required if you are registered or applying for registration and cannot be more than one individual), director, and any other individuals with similar status or functions;
  - (b) if you are organized as a corporation, each shareholder that is a direct owner of 5% or more of a class of your voting securities, unless you are a public reporting company (a company subject to Section 12 or 15(d) of the Exchange Act);

    Direct owners include any *person* that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 5% or more of a class of your voting securities. For purposes of this Schedule, a *person* beneficially owns any securities: (i) owned by his/her child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence; or (ii) that he/she has the right to acquire, within 60 days, through the exercise of any option, warrant, or right to purchase the security.
  - (c) if you are organized as a partnership, <u>all</u> general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 5% or more of your capital;
  - (d) in the case of a trust that directly owns 5% or more of a class of your voting securities, or that has the right to receive upon dissolution, or has contributed, 5% or more of your capital, the trust and each trustee; and
  - (e) if you are organized as a limited liability company ("LLC"), (i) those members that have the right to receive upon dissolution, or have contributed, 5% or more of your capital, and (ii) if managed by elected managers, all elected managers.
- 3. Do you have any indirect owners to be reported on Schedule B? OYes No
- 4. In the DE/FE/I column below, enter "DE" if the owner is a domestic entity, "FE" if the owner is an entity incorporated or domiciled in a foreign country, or "I" if the owner or executive officer is an individual.
- 5. Complete the Title or Status column by entering board/management titles; status as partner, trustee, sole proprietor, elected manager, shareholder, or member; and for shareholders or members, the class of securities owned (if more than one is issued).
- 6. Ownership codes are: NA less than 5% B 10% but less than 25% D 50% but less than 75%
  - A 5% but less than 10%  $\,$  C 25% but less than 50%  $\,$  E 75% or more
- 7. (a) In the Control Person column, enter "Yes" if the person has control as defined in the Glossary of Terms to Form ADV, and enter "No" if the person does not have control. Note that under this definition, most executive officers and all 25% owners, general partners, elected managers, and trustees are control persons.
  - (b) In the PR column, enter "PR" if the owner is a public reporting company under Sections 12 or 15(d) of the Exchange Act.
  - (c) Complete each column.

(b) Complete cash column.							
FULL LEGAL NAME (Individuals: Last DE/FE/		Title or	itle or Date Title or Status		Ownership Control		CRD No. If None: S.S. No. and Date of
Name, First Name, Middle Name)		Status	Acquired MM/YYYY	Code	Person		Birth, IRS Tax No. or Employer ID No.
Graham, Matthew	I	MANAGING	12/2022	E	Υ	N	7495930
		MEMBER					

#### Schedule B

#### Indirect Owners

- 1. Complete Schedule B only if you are submitting an initial application or report. Schedule B asks for information about your indirect owners; you must first complete Schedule A, which asks for information about your direct owners. Use Schedule C to amend this information.
- 2. Indirect Owners. With respect to each owner listed on Schedule A (except individual owners), list below:
  - (a) in the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25% or more of a class of a voting security of that corporation;
    - For purposes of this Schedule, a *person* beneficially owns any securities: (i) owned by his/her child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence; or (ii) that he/she has the right to acquire, within 60 days, through the exercise of any option, warrant, or right to purchase the security.
  - (b) in the case of an owner that is a partnership, <u>all</u> general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25% or more of the partnership's capital;

- (c) in the case of an owner that is a trust, the trust and each trustee; and
- (d) in Classes 1.23 pmd = 0.3076 KWW Ilia Diocempent (3.48 ) 30 tentered by the EBSDD out the 0.400 MAD AS PROJECT Contributed, 25% or more of the LLC's capital, and (ii) if managed by project managers, all elected managers.
- 3. Continue up the chain of ownership listing all 25% owners at each level. Once a public reporting company (a company subject to Sections 12 or 15(d) of the Exchange Act) is reached, no further ownership information need be given.
- 4. In the DE/FE/I column below, enter "DE" if the owner is a domestic entity, "FE" if the owner is an entity incorporated or domiciled in a foreign country, or "I" if the owner is an individual.
- 5. Complete the Status column by entering the owner's status as partner, trustee, elected manager, shareholder, or member; and for shareholders or members, the class of securities owned (if more than one is issued).
- 6. Ownership codes are: C 25% but less than 50% E 75% or more
  - D 50% but less than 75% F Other (general partner, trustee, or elected manager)
- 7. (a) In the *Control Person* column, enter "Yes" if the *person* has *control* as defined in the Glossary of Terms to Form ADV, and enter "No" if the *person* does not have *control*. Note that under this definition, most executive officers and all 25% owners, general partners, elected managers, and trustees are *control persons*.
  - (b) In the PR column, enter "PR" if the owner is a public reporting company under Sections 12 or 15(d) of the Exchange Act.
  - (c) Complete each column.

No Information Filed

#### Schedule D - Miscellaneous

You may use the space below to explain a response to an Item or to provide any other information.

#### **DRP Pages**

#### CRIMINAL DISCLOSURE REPORTING PAGE (ADV)

No Information Filed

#### REGULATORY ACTION DISCLOSURE REPORTING PAGE (ADV)

No Information Filed

#### CIVIL JUDICIAL ACTION DISCLOSURE REPORTING PAGE (ADV)

No Information Filed

#### **Execution Pages**

#### DOMESTIC INVESTMENT ADVISER EXECUTION PAGE

You must complete the following Execution Page to Form ADV. This execution page must be signed and attached to your initial submission of Form ADV to the SEC and all amendments.

#### Appointment of Agent for Service of Process

By signing this Form ADV Execution Page, you, the undersigned adviser, irrevocably appoint the Secretary of State or other legally designated officer, of the state in which you maintain your *principal office and place of business* and any other state in which you are submitting a *notice filing*, as your agents to receive service, and agree that such *persons* may accept service on your behalf, of any notice, subpoena, summons, *order* instituting *proceedings*, demand for arbitration, or other process or papers, and you further agree that such service may be made by registered or certified mail, in any federal or state action, administrative *proceeding* or arbitration brought against you in any place subject to the jurisdiction of the United States, if the action, *proceeding*, or arbitration (a) arises out of any activity in connection with your investment advisory business that is subject to the jurisdiction of the United States, and (b) is *founded*, directly or indirectly, upon the provisions of: (i) the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or the Investment Advisers Act of 1940, or any rule or regulation under any of these acts, or (ii) the laws of the state in which you maintain your *principal office and place of business* or of any state in which you are submitting a *notice filing*.

#### Signature

I, the undersigned, sign this Form ADV on behalf of, and with the authority of, the investment adviser. The investment adviser and I both certify, under penalty of perjury under the laws of the United States of America, that the information and statements made in this ADV, including exhibits and any other information submitted, are true and correct, and that I am signing this Form ADV Execution Page as a free and voluntary act.

I certify that the adviser's books and records will be preserved and available for inspection as required by law. Finally, I authorize any *person* having *custody* or possession of these books and records to make them available to federal and state regulatory representatives.

Signature: PATRICK (1986) 1:23-md-03076-KMM Document 348-369 (1986) Document 3

Printed Name: PATRICK LONEY

**GENERAL COUNSEL** 

Adviser CRD Number:

326303

#### **NON-RESIDENT INVESTMENT ADVISER EXECUTION PAGE**

You must complete the following Execution Page to Form ADV. This execution page must be signed and attached to your initial submission of Form ADV to the SEC and all amendments.

#### 1. Appointment of Agent for Service of Process

By signing this Form ADV Execution Page, you, the undersigned adviser, irrevocably appoint each of the Secretary of the SEC, and the Secretary of State or other legally designated officer, of any other state in which you are submitting a notice filing, as your agents to receive service, and agree that such persons may accept service on your behalf, of any notice, subpoena, summons, order instituting proceedings, demand for arbitration, or other process or papers, and you further agree that such service may be made by registered or certified mail, in any federal or state action, administrative proceeding or arbitration brought against you in any place subject to the jurisdiction of the United States, if the action, proceeding or arbitration (a) arises out of any activity in connection with your investment advisory business that is subject to the jurisdiction of the United States, and (b) is founded, directly or indirectly, upon the provisions of: (i) the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or the Investment Advisers Act of 1940, or any rule or regulation under any of these acts, or (ii) the laws of any state in which you are submitting a notice filing.

#### 2. Appointment and Consent: Effect on Partnerships

If you are organized as a partnership, this irrevocable power of attorney and consent to service of process will continue in effect if any partner withdraws from or is admitted to the partnership, provided that the admission or withdrawal does not create a new partnership. If the partnership dissolves, this irrevocable power of attorney and consent shall be in effect for any action brought against you or any of your former partners.

#### 3. Non-Resident Investment Adviser Undertaking Regarding Books and Records

By signing this Form ADV, you also agree to provide, at your own expense, to the U.S. Securities and Exchange Commission at its principal office in Washington D.C., at any Regional or District Office of the Commission, or at any one of its offices in the United States, as specified by the Commission, correct, current, and complete copies of any or all records that you are required to maintain under Rule 204-2 under the Investment Advisers Act of 1940. This undertaking shall be binding upon you, your heirs, successors and assigns, and any person subject to your written irrevocable consents or powers of attorney or any of your general partners and managing agents.

#### Signature

I, the undersigned, sign this Form ADV on behalf of, and with the authority of, the non-resident investment adviser. The investment adviser and I both certify, under penalty of perjury under the laws of the United States of America, that the information and statements made in this ADV, including exhibits and any other information submitted, are true and correct, and that I am signing this Form ADV Execution Page as a free and voluntary act.

I certify that the adviser's books and records will be preserved and available for inspection as required by law. Finally, I authorize any person having custody or possession of these books and records to make them available to federal and state regulatory representatives.

Title:

Date: MM/DD/YYYY Signature:

Printed Name:

Adviser CRD Number:

326303

## Exhibit I

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY

Link to fund raise folder: https://dri	ive.google.com/drive/folders/13aqMtWqNA1L	JWR5-6s	ROtri4qNcSdfaX?usp=sharing	
Name	Contacts	BTIG	Signature Block	Side lette
Sequoia	.com, lin@sequoiacap.com, pfu@sequoiacap.com	a & Goods	vi Executed	Yes
Paradigm Capital	att@paradigm.xyz, arjun@paradigm.xyz & Latha	No	Sig packet sent to Adam Zuckerman at Latham	Yes
Thoma Bravo	)thomabravo.com, cchan@thomabravo.com & Ki	irkland	Executed	Yes
SoftBank	ank.com, zelda.desouza@softbank.com, hayley.ch	an@softb	ar Executed	Yes
Third Point LLC (Dan Loeb's fund)	n, RBrem@thirdpoint.com, Morgan Lewis (scot	No	om/drive/folders/1bv2Fb6KnHf-O5t5vs8yutis4jbl	Yes
Insight Partners	com, efisher@insightpartners.com, Astarker@insi	ightpartne	Executed	Yes
Ribbit Capital	tcap.com, zack@ribbitcap.com & Latham; max(e	No	Sig Packet sent to attorney	Yes
Lightspeed Venture Partners	an@lsvp.com, ryan@lsvp.com, morgan@lsvp.com	n, Ravi@ls	v Executed	Yes
Willoughby Capital (Dan Och's fund)	om>, Adnan Ahmad <adnan@willcapllc.com>,</adnan@willcapllc.com>	Yes	V 6, LLC - \$5mmhttps://drive.google.com/drive/f	Yes
40 North Capital LLC.	n.leidinger@40north.com, matthew.pavia@40no	Yes	om/drive/folders/1j4jSkBc0twQI9epl3iq-RCRR3hI	Yes
Multicoin Capital	kyle@multicoin.capital, brian@multicoin.capital	No	/drive/folders/1NhBO7pNE-Y4Rse55ZiOeDl0m2	No
Altimeter	@altimeter.com, James Ho <james@altimeter.co< td=""><td>No</td><td>m/drive/folders/1k-0oac6jQw3gdlPNcAzccYJoVi</td><td>No</td></james@altimeter.co<>	No	m/drive/folders/1k-0oac6jQw3gdlPNcAzccYJoVi	No
Coinbase Ventures	ase.com, shan.aggarwal@coinbase.com, ventures	No	Executed	Yes
Bond Capital	om, paul@bondcap.com, katie@bondcap.com, l	No	Executed	Yes
Precept (Mark Cuban) + Hunt Family	ser@preceptfund.com, nroossien@preceptfund.	Yes	com/drive/folders/1vigv1MEHfvt-JozIAezM112ng	No
Senator Investment Group			com/drive/folders/1SWnH7CrNnGafNyxT_s6Cydd'	Yes
Paul Tudor Jones	n.com, Colleen.Dodman@jnsgrp.com, Michael.	No	n/drive/folders/1bRCInlrCOSWiXtioMbcMkAjLe	
Tribe Capital	a@tribecap.co, raaid@tribecap.co, arj@tribecap.T		, ,	No
Tekne	ben@teknecap.com	Yes	n/drive/folders/1g-Sa-vwM7K-1G2mH-24ngTO 1	No
DWF	m.rendchen@digital-wave.ch	Yes	om/drive/folders/1-roK9tNvIy7GhLx7-yrPL6Hyr	
Circle	m, pcorker@circle.com, jallaire@circle.com, fna	Yes	/drive/folders/1WwVzMZCmJWRnlHKsvnos8war	No
Race Capital	@race.capital, alfred@race.capital, edith@race.c	Yes	/drive/folders/1vazPvBHbrTVa89WuhBUB-ZFR\	No
Pantera Capital	n@panteracapital.com, Lauren@panteracapital.c	Yes	Ramnik to reach out	No
*		Yes		
Ryan Rabaglia (LCV Shire Holdings)	glia@gmail.com, partner@lc.ventures, invest@lc	No No	n/drive/folders/108tzGwECUundUIe9Axw0e3xyI	No
Alan Howard	com, Craig.Adams@brevanhoward.com, Naomi		om/drive/folders/1aKygwi2ZTrVSDbnxFch28jyqx	No
Izzy Englander	JWhitney@iefo.com, spavel@iefo.com	No	Executed (1.077.2)	Yes
Matthew Graham/Sino Global	matthew.graham@sinoglobalcapital.com	Yes	/drive/folders/1aCsCAVDvAPVvMemr6h62ZzN.	No
Belfer Management LLC	taub@belfermgmt.com, cdamore@belfermgmt.	Yes	LC C/O BELFER MGMT associated with Belfer N	Yes
White Truffle	le.fund, nikita.masyukov@its-trade.com, sergei.v	Yes	/drive/folders/1QuWiCDsV9QP7rAyJMA95Dxu2	No
Nibbio	· · · · · · · · · · · · · · · · · · ·	0 4	m/drive/folders/1b2tiy_1-8bHOLgNMGcm1W3W	No
NEA	r@nea.com, sbrecher@nea.com, SThompson@n		Executed	Yes
Jason Tang/True Edge Capital	quant@trueedgecapital.com.cn	Yes	1/drive/folders/1qLp4XRxtZPShtzudMTrnv5Xmn	No
Kraft Family	ls@thekraftgroup.com, davidl@thekraftgroup.co	Yes	n/drive/folders/1ZO7bycbajStSBR4c6mt8yGQUV	
Hazoor Partners	ers.com, Craig@hazoorpartners.com, Harpreet@	Yes	<u>m/drive/folders/18Cv4ogBStr_zsFwc_0MydzlGnt</u>	No
VanEck - Asset Manager	ggurbacs@vaneck.com, lrappaport@vaneck.com	Yes	$\underline{m/drive/folders/1CSa9Lskra5cK6uWEsRuAFb7xI}$	No
Folkvang	@folkvang.io, jeff@folkvang,io, james@folkvang	g.io	Siganture packet sent to attorney	No

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Sequoia Global Equities   1 (Confirmed)   1   sequoiacap.com, Kimberly Summe < summe@sequoiacap.com > Scott Wu < Wu@sequoiacap.com > Stat Wu < Wu & Stat Wu < Wu & Stat Wu & S	Name	Media	tro'ed to Fenw	Contacts
Temasek 1 (Confirmed) 1	ОТРР	1 (Confirmed)	1	
SEA   1 (Confirmed)   1   Confirmed)   1   Confirmed)   1   Confirmed)   1   Cap.com, zack@ribbitap.com, Ben Paull <a href="https://doi.org/10.1007/j.com/">https://doi.org/10.1007/j.com/</a>   1 (Confirmed)   1   Cap.com, zack@ribbitap.com, Ben Paull <a href="https://doi.org/">https://doi.org/</a>   1 (Confirmed)   1   Cap.com, zack@ribbitap.com, Ben Paull <a href="https://doi.org/">https://doi.org/</a>   1 (Confirmed)   1   Cap.com, june Binder <a href="https://doi.org/">https://doi.org/</a>   1 (Confirmed)   1   Confirmed)   1   Confirmed)   2   Confirmed)   2   Confirmed)   2   Confirmed)   2   Confirmed)   2   Confirmed)   2   Confirmed)   3   Confirmed)   4   Confirmed)   4   Confirmed)   4   Confirmed)   4   Confirmed)   4   Confirmed)   5   Confirmed)   5   Confirmed)   5   Confirmed)   6   Confirmed)   6   Confirmed)   7   Confirmed)   7   Confirmed)   7   Confirmed)   7   Confirmed)   7   Confirmed)   8   Confirmed)	Sequoia Global Equities	1 (Confirmed)	1	equoiacap.com, Kimberly Summe <summe@sequoiacap.com>, Scott Wu <wu@sequoiacap< td=""></wu@sequoiacap<></summe@sequoiacap.com>
Ribbit Capital 1 (Confirmed) 1 ccap.com, zack@ribbitcap.com, Ben Paull <a href="Paulicapita">Paulicapita</a> (Confirmed) 1 ccap.com, zack@ribbitcap.com, Ben Paull <a href="Paulicapita">Paulicapita</a> (Confirmed) 1 ccap.com, zack@ribbitcap.com, Ben Paull <a href="Paulicapita">Paulicapita</a> (Confirmed) 1 cwwell Stein <a href="Paulicapita">Naxwell Stein @blackrock.com</a> , Michael Svidrun <a href="Paulicapita">Michael Svidrun &amp; Michael Svid</a>	Temasek	1 (Confirmed)	1	antonylewis@temasek.com.sg, sijia@temasek.com.sg,
Backrock   1 (Confirmed)   1	SEA	1 (Confirmed)	1	David Ma <mad@sea.com></mad@sea.com>
Sequoia Capital Altimeter 1   ap.com, lin@sequoiacap.com, Joe Binder < binder@sequoiacap.com>; Megan Dollar <	Ribbit Capital	1 (Confirmed)	1	cap.com, zack@ribbitcap.com, Ben Paull <ben@ribbitcap.com>, Max Montgomery <max@< td=""></max@<></ben@ribbitcap.com>
Altimeter    Altimeter	Blackrock	1 (Confirmed)	1	xwell Stein < Maxwell.Stein@blackrock.com>, Michael Svidrun < Michael.Svidrun@blackrock
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2021-015 Investments LLC       1       Van Voris < tvanvoris@thielcapital.com>, David Wheelock < dwheelock@thielcapital.com			1	
Anthos Capital 1 ly@anthoscapital.com>,Pam Ryan <pre></pre>	J		1	, , , , , , , , , , , , , , , , , , , ,
Meritech Capital 1 , Alex Kurland <ak@meritechcapital.com>, Joel Backman <jbackman@meritechcapital.co< td=""><td></td><td></td><td></td><td></td></jbackman@meritechcapital.co<></ak@meritechcapital.com>				
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	*			Aatthew Koertge < Matthew@telstraventures.com>, Joseph An < joseph@telstraventures.com

## Exhibit J

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY

#### Appointment

From: Antony LEWIS [antonylewis@temasek.com.sg]

**Sent**: 11/16/2021 4:54:56 PM

To: Pradyumna AGRAWAL [pradyumna@temasek.com.sg]; Ramnik Arora [ramnik@ftx.com]; Sam Bankman-Fried

[sam@ftx.com]

**Subject**: Temasek/FTX

**Location**: 375 Park Avenue, 14th Floor, New York, NY 10152

**Start**: 11/16/2021 11:30:00 PM **End**: 11/17/2021 12:30:00 AM

Show Time As: Busy

Recurrence: (none)

Meeting in the office then head to dinner (we will book).

Thanks

This email is confidential and may also be privileged. If this email has been sent to you in error, please delete it immediately and notify us. Please do not copy, distribute or disseminate part or whole of this email if you are not the intended recipient or if you have not been authorized to do so. We reserve the right, to the extent and under circumstances permitted by applicable laws, to retain, monitor and intercept email messages to and from our systems. Thank you.

We provide investment advice and other investment-related services to certain Temasek group entities only and not to any other parties.



## Exhibit K

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY Casse 11233 mod 403307766 KKWWW | Doorcumentt 424438-31.3 Entertexted no Files IS D bookekt 40.11/0.05/202042 3 Patgrey 6 726 of 1727 in 1920 in 1920

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		430
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UNITED STATES OF AMERICA	:	22 Cr. 673 (LAK)
<b>v.</b>	:	STIPULATION
	:	REGARDING RECORDS
SAMUEL BANKMAN-FRIED,	:	AUTHENTICITY
a/k/a "SBF,	:	
	:	
D 0 1	:	
Defendant.	:	
	X	

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, by DAMIAN WILLIAMS, United States Attorney for the Southern District of New York, by the undersigned counsel, and SAMUEL BANKMAN-FRIED, the defendant, by and with the consent of his attorneys, that:

- 1. The exhibits set forth in Attachments A-1, A-2, A-3, and B, below, consist of true and correct copies of the documents, audio files, emails, and messages described in those Attachments.
- 2. The exhibits set forth in Attachment A-1 are documents and audio files. The "Date" listed for each document is the date it was created, and the "File Name" refers to the name of the document or audio file.
- 3. The exhibits set forth in Attachment A-2 are emails and their attachments. The "Date" listed for each email is the date it was sent, and the "Subject Line" refers to the Subject Line of the email.
- 4. The exhibits set forth in Attachment A-3 are text messages or other messaging communications. The "Message Participants" listed for each message are the participants in the message, and the date is the date the first message was sent.

5. The exhibits set forth in Attachment B are documents. The "Date" listed for each document is the date it was created, and the "File Name" refers to the name of the document or audio file.

IT IS FURTHER STIPULATED AND AGREED that no party will raise any objection under Federal Rule of Evidence 901 or 1003 with respect to any exhibit referenced in Attachments A-1, A-2, A-3, or B below.

IT IS FURTHER STIPULATED AND AGREED that this stipulation may be received into evidence at trial.

Dated: New York, New York

October 10, 2023

DAMIAN WILLIAMS
United States Attorney

Southern District of New York

By:

Danielle Kudla

Samuel Raymond

Thane Rehn

Nicolas Roos

Danielle R. Sassoon

Assistant United States Attorneys

SAMUEL BANKMAN-FRIED

Defendant

By:

Christian Everdell

Mark Cohen

Counsel for Samuel Bankman-Fried

## <u>ATTACHMENT A-1</u> (Documents and Audio Files)

GX#	File Name	Date
3	FTXPHL Properties 2021 (Leased & Purchased)	12/20/2021
4	Current outstanding loans	11/7/2022
5	locs	9/5/2022
6	Full Comprehensive Hedging Model 9/8	9/8/2022
7	Hedging Our Deltas	9/2/2022
8	README	6/7/2022
10	[External] Balance Sheet 10/1/22	10/17/2022
11	Balance Sheet 10/1/22	10/7/2022
12	Sources of Capital	11/7/2022
14A	Venture Deals 2fe7e91dbbec4427ab80e3297b485113.csv	6/17/2022
14B	20220926 Venture Deals 2fe7e91dbbec4427ab80e3297b485113.csv	9/26/2022
17	Rough Balance Sheet 6/19/22	6/19/2022
18	We came, we saw, we researched	9/7/2022
19	Balance Sheet 9/1/22	9/1/2022
20	Untitled document	11/6/2022
21	sources	11/6/2022
22	Alameda Assets November 2022	11/8/2022
23	Daily NAV Recon_2021-11-7&8 (after)	12/4/2021

24	Annotated but confused	9/13/2022
25A	Life Plans 8/6/22	8/5/2022
25B	Life Plans 8/6/22	8/5/2022
26	Investor List for Allocations	5/16/2021
27	FTX SG investor protection features	10/14/2022
28	Alameda-FTX Donations- etc1E5WKRmVLUAbFtV49_J2luAqgyT48CsVm7CJuFZ2KTxc	N/A
29	Advisory_Board_Update_20210818 (1)	8/18/2021
30	K5	3/7/2022
31	Business updates 4/27/2019	4/27/2019
32	State of Alameda March 2022	3/14/2022
32A	State of Alameda March 2022	3/14/2022
33	May Crash Takeaways	5/24/2022
33A	May Crash Takeaways	5/24/2022
34	Alameda NAV Tracker	4/6/2022
36	NAV minus Sam Coins	9/27/2021
37	State of Alameda 8/6/22	8/5/2022
38	Ramnik, K5, and what matters	8/11/2022
38A	Ramnik, K5, and what matters	8/11/2022
39	Modulo/Alameda	8/15/2022
39A	Modulo/Alameda	8/15/2022
40	Modulo/Alameda from SBF to CE/BX/LZ	8/17/2022

40A	Modulo/Alameda from SBF to CE/BX/LZ	8/17/2022
41	Intercompany Stuff	9/18/2022
42	K5, relationships, and marketing	2/15/2022
44	Rough Balance Sheet 6/20/22	6/19/2022
45	Caroline Ellison Review 2022S1 Response	8/12/2022
45A	Caroline Ellison Review 2022S1 Response	8/12/2022
46	Things people are getting wrong right now	10/24/2020
46A	Things people are getting wrong right now	10/24/2020
47	Funds Flow	5/21/2022
48A	to DO	1/6/2019
48B	to DO	1/6/2019
49	Alameda Updates 5/7	4/25/2022
49A	Alameda Updates 5/7	4/25/2022
50	Alameda Balances by FTX Sub	6/13/2022
51	FTX stats 2022_08_01	8/2/2022
53	Alameda Balances by FTX Sub	6/13/2022
54	FTX stats 2021-04-23	2/18/2020
55	FTX stats 2021-05-22	2/18/2020
56	Project K5X - AR Payment Confirmation Side Letter (Executed)	4/18/2022
63	Balance Sheet Questions_to Dos	6/18/2022

64 65 65A 66 67 68 70	How Contingent Is History_  How Contingent Is History_  Copy of GAP funding thoughts(1)  Alameda Structure Chart Jan 2020.pptx  Advisory Board-comments  Copy of Funds Flow  FTX Trading LTD assets and liabilities 2022_11_10	11/25/2021 6/28/2020 6/28/2020 9/19/2022 1/30/2020 8/18/2021 9/1/2022
65A 66 67 68 70	How Contingent Is History_  Copy of GAP funding thoughts(1)  Alameda Structure Chart Jan 2020,pptx  Advisory Board-comments  Copy of Funds Flow	6/28/2020 9/19/2022 1/30/2020 8/18/2021 9/1/2022
66 67 68 70	Copy of GAP funding thoughts(1)  Alameda Structure Chart Jan 2020,pptx  Advisory Board-comments  Copy of Funds Flow	9/19/2022 1/30/2020 8/18/2021 9/1/2022
67 68 70	Alameda Structure Chart Jan 2020,pptx  Advisory Board-comments  Copy of Funds Flow	1/30/2020 8/18/2021 9/1/2022
68	Advisory Board-comments  Copy of Funds Flow	8/18/2021 9/1/2022
70	Copy of Funds Flow	9/1/2022
74	FTX Trading LTD assets and liabilities 2022_11_10	11/10/2022
/		11/10/2022
76	115743_Term_Sheet_Alameda_Research_ETH_04132021	4/13/2021
77	S5APayment_Agent_Form_Agreement	4/16/2021
78	June 30 2022 Alameda BALANCE SHEET_2022-07_04 (from Caroline Ellison)	7/4/2022
79	Founder Loans (updated 9.29)	12/3/2021
80	name change CLIFtoN BAY INVESTMENTS LLC	9/8/2022
81	3 - SkyBridge GP Holdings, LLC - Third Amended and Restated LLCA	9/9/2022
84	Written Resolutions of the Directors - Change of Company Name (1)	9/25/2022
86	Updated CERTIFICATE OF iNCORPORATION - Clifton Bay Investments Ltd.	10/6/2022
87	Promissory Note (Cancelled for PIPE) EX-10.1	10/11/2022
88	subscription_additional_2022-11-04	11/6/2022

89	2022-04-07-Conveyance-Latitude to Allan Bankman & Barbara Fried (singed by ALL)	5/3/2022
91	FTX Trading Ltd Series B-1 Pro Forma(12433194.1) (4)	10/6/2021
92	2021-04-27 FTX Financial Model (Simple) (6)	4/27/21
93	FTX Trading Ltd. Financial Statement December 31, 2020 and 2019 (3) (3)	7/30/2021
94	FTX Trading Ltd - Financial Statements 1H 2021	1/12/2022
95	Balance sheet_2022-10_01	10/3/2022
96	Please_DocuSign_Gravit_Team_LtdFTX_Line_o (1)	3/22/2021
97	Alameda Research LLC - General Ledger 2019 to 2022.xlsx	9/8/2022
98	Alameda Research LLC - 2022 General Ledger.xlsx	9/8/2022
100	221103Alameda_Term_Sheet_200_BTC.pdf	11/3/2021
101	Term_Sheet_For_Permissioned_Loan_Alameda_ResearchApollo CapitalRevisedpdf	9/15/2022
102	Invoice_Alameda Research_August2022_All.pdf	8/31/2022
103	Loan_AgreementTerm_Sheet_for_Permissioned_PoolAlameda_ Compound_Capital_Partnerspdf	9/16/2022
104	Invoice_Alameda Research_October2022_All.pdf	10/31/2022
105	Please_DocuSign_Genesis_Term_SheetAlamedpd.pdf	11/7/2022
106	Please_DocuSign_Genesis_Term_SheetAlamedpd (1).pdf	11/7/2022
107	Please_DocuSign_Genesis_Term_SheetAlamedpd (2).pdf	11/7/2022
108	Copy of Voyager loan and collateral transactions from 31 Dec 2021 to 31 July 2022 (shared).xlsx	9/6/2022
110	Invoice_Alameda Research_September2022_All.pdf	9/30/2022

111	Loan and Collateral Balance as at 30 June 2022 (summary) (shared).xlsx	7/18/2022
112	221103Alameda_Term_Sheet_2450_ETH.pdf	11/3/2022
113	220927_Alameda_Term_Sheet3M_USD.docx.pdf	9/27/2022
114	Loan and Collateral Balance as at 31 Jul 2021 (summary) (shared).xlsx	8/13/2021
115	Loan and Collateral Balance as at 30 Nov 2021 (summary) (shared).xlsx	12/25/2021
116	Copy of Invoice - C002-2022-06.pdf	7/1/2022
117	Invoice - C002-2022-07.pdf	8/1/2022
118	Loans Spreadsheet Fix.xlsx	12/5/2020
119	Open vs Fixed Term loans 31 May 2022.xlsx	6/13/2022
120	Loan and Collateral Balance as at 30 Sep 2021 (summary) (shared).xlsx	10/12/2021
121	Loan Status	11/9/2022
122	Updated_Loan_Term_Sheet_5_January_2022.pdf	3/8/2022
123	Invoice - C002-2022-04.pdf	5/2/2022
124	Invoice - C002-2022-05.pdf	6/2/2022
125	Ledn_replace_term_sheets_for_the_consolidation_of_BTC_and_USD C_loans_2022-06-17.pdf	7/4/2022
126	Loan and Collateral Balance as at 31 Dec 2021 (summary) (shared).xlsx	1/11/2022
127	TesseractAlamedaUpdated_Loan_Term_Sheet_USDC _250322.pdf	3/25/2022
128	Loan and collateral balances as at 31 May 2022 (summary for large OTC lenders).xlsx	6/1/2022
129	Loan and Collateral Balance as at 28 Feb 2022 (summary) (shared).xlsx	3/13/2022
130	Transfer_History_2022_02_11 V2.xlsx	4/22/2022
131	210921 Alameda Term Sheet_230BTC.pdf	9/20/2021

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132	Tesseract_Term_Sheet_2021-09-22.pdf	9/30/2021
133	Loan and Collateral Balance as at 31 Dec 2020 (shared).xlsx	1/11/2021
134	Loan and Collateral Balance as at 31 Mar 2021 (shared).xlsx	4/5/2021
135	Loan and Collateral Balance as at 31 Jan 2021 (shared).xlsx	2/7/2021
136	Loan and Collateral Balance as at 30 Apr 2021 (shared).xlsx	5/4/2021
137	Loan and Collateral Balance as at 31 May 2021 (summary) (shared).xlsx	6/10/2021
138	Loan and Collateral Balance as at 30 June 2021 (summary) (shared).xlsx	7/8/2021
139	Loan Status	11/10/2022
140	Notice of Default - Alameda Research Ltd - 9.11.2022.pdf	11/9/2022
141	Alameda+Research+LLC_General+Ledger 07.01.2020 - 09.30.2020.xlsx	11/13/2022
141A	Excerpt of Alameda Research LLC General Ledger (GX 141)	11/13/2022
142	Alameda+Research+LLC_General+Ledger February 2021.xlsx	11/13/2022
143	Alameda+Research+LLC_General+Ledger 07.01.2022 - 9.30.22.xlsx	11/13/2022
144	Alameda+Research+LLC_General+Ledger - Full Year 2018.xlsx	11/13/2022
145	Alameda+Research+LLC_General+Ledger 1.1.2019 - 6.30.2019.xlsx	11/13/2022
146	Alameda+Research+LLC_General+Ledger - Full Year 2017.xlsx	11/13/2022
147	Alameda+Research+LLC_General+Ledger 01.01.2020 - 03.31,2020.xlsx	11/13/2022
148	Alameda+Research+LLC_General+Ledger 01.01.2022 - 3.31.22.xlsx	11/13/2022
149	Alameda+Research+LLC_General+Ledger 04.01.2020 - 06.30.2020.xlsx	11/13/2022
150	Alameda+Research+LLC_General+Ledger 10.01.2022 - 11.13.22.xlsx	11/13/2022
151	Alameda+Research+LLC_General+Ledger 04.01.2022 - 6.30.22.xlsx	11/13/2022
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152	Alameda+Research+LLC_General+Ledger September 2021.xlsx	11/13/2022
153	Alameda+Research+LLC_General+Ledger July 2021.xlsx	11/13/2022
154	Alameda+Research+LLC_General+Ledger May 2021.xlsx	11/13/2022
155	Alameda+Research+LLC_General+Ledger December 2021.xlsx	11/13/2022
156	Alameda+Research+LLC_General+Ledger June 2021.xlsx	11/13/2022
157	Alameda+Research+LLC_General+Ledger October 2021.xlsx	11/13/2022
158	Alameda+Research+LLC_General+Ledger March 2021.xlsx	11/13/2022
159	Alameda+Research+LLC_General+Ledger 7.1.2019 - 12.31.2019.xlsx	11/13/2022
160	Alameda+Research+LLC_General+Ledger 10.01.2022 - 11.13.22.xlsx	11/13/2022
161	Alameda+Research+LLC_General+Ledger August 2021.xlsx	11/13/2022
162	Alameda+Research+LLC_General+Ledger April 2021.xlsx	11/13/2022
163	alameda+research+llc_general+ledger 07.01.2022 - 9.30.22 2022-11- 13 23_03_57.xlsx	11/13/2022
164	Alameda+Research+Ventures+LLC_General+Ledger - All Data.xlsx	11/13/2022
165	Blockfolio,+IncGeneral+Ledger 10.1.2020 - 11.13.22.xlsx	11/13/2022
166	FTX+Digital+Markets+LtdGeneral+Ledger 7.1.22 - 11.13.22.xlsx	11/13/2022
167	FTX+Digital+Markets+LtdGeneral+Ledger Full Year 2021.xlsx	11/13/2022
168	FTX+Digital+Markets+LtdGeneral+Ledger 1.1.22 - 6.30.22.xlsx	11/13/2022
169	FTX+Property+Holdings+Ltd_General+Ledger - All Data.xlsx	11/13/2022
170	FTX+Trading,+Ltd_General+Ledger Full year 2019.xlsx	11/13/2022
171	FTX+Trading,+Ltd_General+Ledger - Full Year 2020.xlsx	11/13/2022
172	FTX+Trading,+Ltd_General+Ledger - Full Year 2021.xlsx	11/13/2022

173	FTX+Trading,+Ltd_General+Ledger - 1.1.22 - 11.13.22.xlsx	11/13/2022
174	FTX+Ventures+Ltd_General+Ledger - All Data.xlsx	11/13/2022
175	Paper+Bird+Inc_General+Ledger - All Data.xlsx	11/13/2022
176	West+Realm+Shires+IncGeneral+Ledger(2020).xlsx	11/13/2022
177	West+Realm+Shires+IncGeneral+Ledger(2021).xlsx	11/13/2022
178	West+Realm+Shires+IncGeneral+Ledger (2022 YTD).xlsx	11/13/2022
179	West+Realm+Shires+Financial+Services+Inc_General+Ledger(2020). xlsx	11/13/2022
180	West+Realm+Shires+Financial+Services+Inc_General+Ledger(2021). xlsx	11/13/2022
181	West+Realm+Shires+Financial+Services+Inc_General+Ledger(2022 YTD).xlsx	11/13/2022
182	West+Realm+Shires+Services,+IncGeneral+Ledger(Oct 1 - Nov 13 2022).xlsx	11/13/2022
183	West+Realm+Shires+Services,+IncGeneral+Ledger(2020).xlsx	11/13/2022
184	West+Realm+Shires+Services,+IncGeneral+Ledger(2021).xlsx	11/13/2022
185	West+Realm+Shires+Services,+IncGeneral+Ledger(Q1 2022).xlsx	11/13/2022
186	West+Realm+Shires+Services,+IncGeneral+Ledger(Q2 2022).xlsx	11/13/2022
187	West+Realm+Shires+Services,+IncGeneral+Ledger(Q3 2022).xlsx	11/13/2022
188	private-ventures	9/26/2021
190	Rivers & Moorehead Consultant Re: Customer Digital Assets Analysis	5/1/2021
192	Alameda Research Investments Ltd	9/12/2022
193	Memorandum of Terms	4/15/2022
200	Alameda Research Ltd Unanimous Consent of Board of Directors Stock Transfer	4/30/2022
201	Subscription Agreement	9/7/2022
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202	Skybridge Capital II, LLC Fifth Amended and Restated Limited Liability Company Agreement	9/7/2022
203	historical_margin_stats	9/3/2022
205	June 30 2022 Alameda BALANCE SHEET_2022-07_04 (from Caroline Ellison).xlsb	10/6/2021
207	Gary Promissory Note (LedgerX).pdf	2/26/2022
208	Note - Alameda & Gary (WRS Binance Buyout)2.pdf	5/18/2022
209	Note - Alameda & Nishad (WRS Binance Buyout)2.pdf	5/18/2022
210	Note - Alameda & SBF (WRS Binance Buyout)2.pdf	5/18/2022
211	Sam Promissory Note Dec 2021.pdf	2/26/2022
213	BinanceFTXShare_Transfer_Agreement_(EXECUTION_VERSION).pdf	7/15/2021
214	West_RealmShare_Transfer_Agreement_(Dinghua_to_Sam)_(EXECUTION_VE _RSION).pdf	7/15/2021
215	West_RealmShare_Transfer_Agreement_(Lim_to_Gary)_(EXECUTION_VERSION).pdf	7/15/2021
216	West_RealmShare_Transfer_Agreement_(Lim_ to_Nishad)_(EXECUTION_VERS_ION).pdf	7/15/2021
225	Promissory Note - Alameda & Sam (Sept 2022).doc.pdf	10/1/2022
226	Promissory Note - Alameda & Gary (Sept 2022).doc.pdf	10/1/2022
230	Please_DocuSign_Genesis_Term_SheetAlamedpd (1).pdf	11/7/2022
236	SBF Emergent Funding Loan 1 - executed.pdf	5/18/2022
237	SBF Emergent Funding - Loan 2 - executed.pdf	5/18/2022
238	Gary Emergent Funding - Loan 1 - Executed.pdf	5/18/2022
239	Gary Emergent Funding - Loan 2 - Executed.pdf	5/18/2022
240	Promissory Note - Alameda & Sam (Oct 2021) (LedgerX).pdf	3/2/2022
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241	Sam Promissory Note March 2020 (LoC).pdf	2/26/2022
242	Promissory Note - Alameda & Sam (July 2022).doc.pdf	7/22/2022
243	Promissory Note - Alameda & Gary (July 2022).doc.pdf	7/22/2022
254	FTX-LoC.pdf	10/20/2022
294	FTX Advisory Board Meeting 03_21_2022.pdf	3/21/2022
297	FTX - Customer Digital Assets Analysis 2021.docx.pdf	5/6/2022
300	FTX Trade Lifecycle	12/16/2022
309	SA (Non-US) - Modulo Capital Alpha Fund LP [Final].DOCX.pdf	6/17/2022
315	additional_subscription (\$250M).docx.pdf	9/26/2022
323	FTX IEF Rewards Agreement(SIGNED).pdf	3/12/2022
325	Safeguarding of Assets and Digital token Management Policy -issue 1 - Checkpoint Draft.docx	8/17/2021
327	Dave - Convertible Note Purchase Agreement [EXECUTION].pdf	4/25/2022
330	S5APayment_Agent_Form_Agreement.pdf	1/12/2022
331	Modulo Capital Inc Shareholders Agreement [Executed].DOC.pdf	6/18/2022
332	Nishad Promissory Note (LedgerX).pdf	2/26/2022
333	Promissory Note - Alameda & Nishad (Sept 2022).doc.pdf	10/1/2022
335	Payment Agent Agreement	4/12/2021
336	Payment Agent Agreement	1/12/2022
339	Hedging Thoughts 9/6	9/6/2022
340	FDM - Safeguarding of Assets and Digital Token Management Policy.pdf	11/22/2021
343	Sponsorships (Full) (4).xlsx	3/23/2022
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401	[Abridged] What is FTX.pdf	6/1/2022
404	[21-08-22] FTX Call w Ramnik.pdf	8/21/2022
411	Capital.xlsx	11/7/2022
417	Alameda - credit memo 7nov2022.docx	11/7/2022
418	Alameda_2022_Q3_Balance_Sheet(1).xlsx	10/1/2022
419	Alameda_2022_Q3_Balance_Sheet.xlsx	
420	[External]_2022_Q3_Balance_Sheet2xlsx	11/7/2022
422	torch Data Output2022-10-03.csv	10/3/2022
432	Excerpts from the journal of Caroline Ellison	
433	Audio Recording of Final Alameda All Hands Meeting	11/9/2022
433A	Audio Recording of Final Alameda All Hands Meeting	11/9/2022
433B	Audio Recording of Final Alameda All Hands Meeting	11/9/2022
433C	Audio Recording of Final Alameda All Hands Meeting	11/9/2022
433D	Audio Recording of Final Alameda All Hands Meeting	11/9/2022
433E	Audio Recording of Final Alameda All Hands Meeting	11/9/2022
433F	Audio Recording of Final Alameda All Hands Meeting	11/9/2022
433G	Audio Recording of Final Alameda All Hands Meeting	11/9/2022
433H	Audio Recording of Final Alameda All Hands Meeting	11/9/2022

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450	Credit Note_Alameda Research x YE Allowance v2.pdf	May 2022
453	Alameda 2022 Q3 Financials.xlsx	N/A
454	FTX Balance.pdf	12/8/2022
455	Ledn Notice to Alameda 2022.11.08.pdf	11/8/2022
458	Withdrawal request.pdf	12/8/2022
459	WORKING DOC - Alameda CIRRA_10.2022.docx	10/2022
460	WORKING DOC - Credit Due Diligence - Alameda Research.docx	N/A
461	WORKING DOCUMENT - Alameda Transactions .xlsx	11/30/2022
473	Modulo Capital Alpha Fund LP Additional Subscription Form - Goodman Investments Ltd	11/6/2022
481	Founder Loans	12/3/2021
484	October 13 2021 - FTX Final IC Memo vF.pdf	10/11/2021
498	FTX Series B Investment Memo SIGNED.pdf	June 2021
499	[Abridged] What is FTX.pdf	6/1/2022
500	FTX Presentation August.pdf	8/18/2022
501	README.pdf	6/7/2022
502	CPPIB Questions for FTX (June 28, 2022).pdf	6/28/2022
517	FTX_Trading_Ltd Deck.pdf	6/26/2021
519	FTX Notes - Michelle.docx	7/9/2021

520	MF Notes - London.docx	11/7/2022
522	AUDIO-2022-11-09-17-42-14.m4a	11/11/2022
530	FTX Diligence Discussion	9/14/2022
533	FTX Slide Deck	3/17/2021
536	Tareq Morad CIBC Payment Order	2/24/2022
537	Tareq Morad CIBC Payment Order	4/1/2022
538	Tareq Morad CIBC Payment Order	5/10/2022
539	Tareq Morad Portfolio Snapshot	11/10/2022
540	Tareq Morad CIBC Payment Order	2/8/2022
541	Tareq Morad FTX Trades Spreadsheet	N/A
544	20230921_google_meet_events_original_202206	6/14/2022
1103	Alameda \$25MM_2022-08-11.docx.pdf	8/11/2022
1104	Alameda \$45MM_2022-08-11.docx.pdf	8/11/2022
1105	Alameda - Master Loan and Security Agreement 11.16.2020.pdf	11/20/2020
1106	Alameda 2021-09-09 terms (2).docx.pdf	9/9/2021
1107	Alameda 2021-09-20 - indicative (1).docx.pdf	9/21/2021
1108	Alameda 2021-09-22 .docx.pdf	9/22/2021
1109	Alameda 2021-10-21.docx.pdf	10/22/2021

1110	Alameda 2022-08-26 .pdf	8/31/2022
1111	Alameda_2021-10-14.docx.pdf	10/26/2021
1112	Alameda_2021-11-10.docx.pdf	11/12/2021
1178	MNDA-FTX Japan KK BitGo 08.18.22	8/18/2022
1179	MSA- Alameda and BitGo, Inc 12.18.20.pdf	12/18/2020
1180	MSA Amended and Restated- Alameda Research Ltd. 04.23.21.pdf	4/23/2021
1181	MLA Alameda Research and BitGo Prime LLC 01.20.20.pdf	1/20/2020
1182	Amendment No. 1 to the MLA- Alameda.pdf	10/19/2022
1183	BitGo Prime LLC Parent Guaranty (Alameda Research Limited, LLC) 10.19.22.pdf	10/19/2022
1184	Loan Term Sheet- Alameda ETH 09.01.21.pdf	9/1/2021
1185	Loan Term Sheet- Alameda USD 10.26.22.pdf	10/26/2022
1186	Loan Term Sheet- Alameda ETH 10.26.22.pdf	10/26/2022
1187	Loan Term Sheet- Alameda BTC 10.26.22.pdf	10/26/2022
1188	MNDA- BitGo, Inc. FTX Ventures 09.09.22.docx.pdf	9/9/2022
1189	MNDA- FTX Japan KK BitGo Holdings 04.07.22.pdf	4/7/2022
1190	FTX - BitGo - Custodial Services Agreement - Alameda Research LLC.pdf	11/13/2022
1191	FTX - BitGo - Custodial Services Agreement - FTX Trading Ltd.pdf	11/13/2022
1192	FTX - BitGo - Custodial Services Agreement - Clifton Bay Investment.pdf	11/13/2022
1193	FTX - BitGo - Custodial Services Agreement - West Realm Shires Inc.pdf	11/13/2022
1194	FTX - BitGo - CSA - LedgerX LLC March 2020.pdf	2/6/2020
1195	FTX - BitGo - Custodial Services Agreement - Quoine Pte.pdf	1/18/2023
1197	Loan Borrower Request	9/1/2021
1234	Alameda_Research_Portfolio_Refinance_11072022.docx.pdf	11/7/2022
1289	Master Loan Agreement and Supporting Documents	1/27/2022
1340	LOAN TERM SHEET Alameda 1.12.22 BTC (collateralized).docx (1).pdf	1/12/2022
1341	Voyager Letter to Alameda	9/19/2022
1604	FTX Intl Assets and Liabilities	11/10/2022
1605	Alameda USD	11/7/2022
1607	alameda_bahamas_employment (1).pdf	3/30/2022

1608	Capital Discussion (1).docx	4/10/2023
1610	[External] 2022 Q3 Balance Sheet (1).xlsx.XLSX	

# ATTACHMENT A-2 (Emails)

GX#	Subject	Date
15	Spreadsheet shared with you: "[External] Balance Sheet 10/1/22"	11/4/2022
16	Spreadsheet shared with you: "Balance Sheet 10/1/22"	11/4/2022
90	Re: Portfolio Review	1/19/2022
109	Genesis Capital_Margin Call => 9/21/2022 (Alameda Research)	9/22/2022
191	Re: Hey Sam!	7/20/2021
194	Re: OTPP Catch-up	7/22/2021
195	FTX stats 2021-07_19.xlsx (Attachment to Re: OTPP Catch-up) (GX 194)	
196	Re: Project Wunderkind // Bond Capital	6/17/2021
197	FTX stats 2021-06-10.xlsx (Attachment to Re: Project Wunderkind // Bond Capital) (GX 196)	
198	Re: Checking In	5/21/2021
199	FTX stats 2021-05-20.xlsx (Attachment to Re: Checking In) (GX 198)	
220	Invitation: Sen. Stabenow <> FTX @ Thu Sep 8, 2022 1:15pm - 2:15pm (EDT) (sam@ftx.com)	9/7/2022
221	Re: Guys	9/21/2022
223	Re: PRESS: BLOOMBERG NEWS	9/22/2022
224	Re: Follow up from dinner	9/22/2022
234	Advisory Board Meeting Materials - 09/19/2022	9/18/2022
235	FTX Advisory Board Meeting 09_19_2022.pdf (Attachment To Advisory Board Meeting Materials - 09/19/2022) (GX 234)	9/18/2022

244	Re: Donation processing	7/20/2021
248	Re: FTX / Binance	11/9/2022
253	Re: Congratulations from Silvergate - North Dimension Inc.	3/25/2021
256	Re: Compliance / Monitoring Questions	5/15/2020
259	Re: Congratulations from Silvergate - North Dimension Inc.	3/25/2021
260	RE: North Dimension Inc account activated	4/27/2021
261	RE: [EXT] Re: Clifford Chance - Regulatory DD - Fischer	4/29/2021
262	Project Fischer Responses.pdf (Attachment to RE: [EXT] Re: Clifford Chance - Regulatory DD – Fischer) (GX 261)	4/29/2021
263	RE: FTX Jurisdiction Counsel Calls	7/27/2021
264	Project Fischer - Questions for call with FTX (Initial List 27 July 2021) (sent to FTX) .docx (Attachment to RE: FTX Jurisdiction Counsel Calls) (GX 263)	7/27/2021
266	Re: Setting Up New Subaccounts for Silvergate under Alameda Research LLC	12/14/2020
267	Silvergate-Initial Due Diligence Questionnaire for Traders.pdf (Attachment to Re: Setting Up New Subaccounts for Silvergate under Alameda Research LLC) (GX 266)	12/14/2020
268	Re: [Urgent] political donations	8/1/2021
269	FTX's Key Principles on Investor Protection	2/6/2022
270	FTX's Key Principles on Investor Protection.pdf (Attachment to FTX's Key Principles on Investor Protection) (GX 269)	2/6/2022
271	Re: Wire transfers etc.	1/24/2022
278	RE: Advisory Board Meeting tomorrow	11/9/2022
281	Binance Investment <> FTX Sync-up	6/8/2021
282	Invitation: Quick photoshoot for Forbes story (at Equinox hotel) @ Fri Sep 17, 2021 8:30am - 8:45am (HKT) (sam@alameda-research.com)	9/9/2021
283	Updated invitation: SBF visit to Virtu @ Wed Sep 15, 2021 12:30am - 4:30am (HKT) (sam@alameda-research.com)	9/10/2021
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284	7:30am Breakfast: Brad/Sam @ Equinox Hotel - Electric Lemon Restaurant 24th floor	9/12/2021
285	Updated invitation: SALT Fund (Alex, AJ) / FTX (Sam) @ Fri Sep 17, 2021 10:30pm - 11:30pm (HKT) (sam@ftx.com)	9/16/2021
286	Temasek/FTX	11/16/2021
287	Updated invitation: Dinner with the mayor @ Thu Mar 3, 2022 8:30pm - 10pm (EST) (sam@ftx.com)	3/1/2022
289	Updated invitation: Piper Sandler Conf Meetings with Investors @ Thu Jun 9, 2022 9:30am - 11am (EDT) (sam@ftx.com)	6/8/2022
290	FTX/IEX	8/15/2022
291	SBF meeting w/NY Governor Hochul	8/18/2022
292	Updated invitation: Meeting w/President Clinton @ Tue Sep 20, 2022 4pm - 5pm (EDT) (sam@ftx.com)	9/19/2022
293	Updated invitation - [NYC] small group dinner w/ H.E. Yasir Rumayyan	9/21/2022
301	Re: Long form docs	3/10/2022
302	Re: Fwd: FTX Group Dinner - July 19 (New York)	7/1/2022
318	Re: Thank you	3/22/2022
320	Re: rob sarver	4/25/2021
320A	FTX stats 2021-04-23.xlsx (Attachment to: Re: rob sarver) (GX 320)	4/25/2021
321	Re: [Action Required] Update on FTX fund raise	5/22/2021
322	Re: [Action Required] Update on FTX fund raise	5/25/2021
322A	FTX stats 2021-05-22.xlsx (Attachment to to Re: [Action Required] Update on FTX fund raise) (GX 322)	5/25/2021
326	Re: FTX Cyprus - Additional Reps	5/13/2022
337	RE: Susquehanna/ FTX.Com	6/29/2022
341	Re: FTX<>Alpaca VIP's	12/28/2021
342	Re:	9/8/2022
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344	Re: followup on our conversation	4/11/2021
400	RE: Introduction FTX/Altimeter	6/12/2021
402	Fwd: FTX	3/4/2021
403	FTX2:21.pdf (Attachment to Fwd: FTX) (GX 402)	3/4/2021
416	BlockFi Mail - Re_ alameda Memo - recording approval by BARC.pdf	11/7/2022
421	Re: New Alameda Trade Approval	5/11/2022
445	Re: Alameda Follow Up Qs ← Genesis	11/7/2022
446	Genesis Capital Margin Call => 11/8/2022 (Alameda Research)	11/8/2022
447	Alameda <> Genesis	11/9/2022
448	Notice of Default from Genesis Global Capital, LLC	11/9/2022
449	RE: Genesis  Alameda Quick Risk/legal synch	5/3/2022
451	Genesis Capital Margin Call=> 5/11/22 (Alameda Research)	5/11/2022
462	Re: Intro (FTX <> Lightspeed)	5/11/2021
463	Re: FTX Data Room Follow-Up	7/6/2021
464	FTX Meeting Prep	10/31/2022
465	Corp Structure.pdf (Attachment to FTX Meeting Prep) (GX 464)	10/31/2022
466	FTX Series C One-Pager.pdf (Attachment to FTX Meeting Prep) (GX 464)	12/13/2021
467	Company Description.pdf (Attachment to FTX Meeting Prep) (GX 464)	10/31/2022

468	FTX_LSVP Diligence Deck, 0830'22.pdf (Attachment to FTX Meeting Prep) (GX 464)	8/30/2022
469	Fwd: FTX investment memo	12/7/2021
470	FTX Series B IM.pdf (Attachment to: Fwd: FTX investment memo) (GX 469)	7/19/2021
471	Fwd: Thune request	8/19/2022
472	Re: Intro	3/6/2022
482	Re: OTPP Catch-up	7/22/2021
483	FTX stats 2021-07_19.xlsx (Attachment to Re: OTPP Catch-up) (GX 482)	7/22/2021
485	Re: Diligence questions for Alameda	10/25/2021
486	Fwd: FTX process update	5/3/2021
487	FTX Series C Memo	11/28/2021
488	Paradigm FTX Model v2.xlsx (Attachment to FTX Series C Memo) (GX 487)	11/28/2021
489	FTX Series C Memo.pdf (Attachment to FTX Series C Memo) (GX 487)	11/28/2021
490	FTX Memo	4/25/2021
491	FTX Memo.pdf (Attachment to FTX Memo) (GX 490)	4/25/2021
492	Re: rob sarver	4/22/2021
493	Re: Follow up	4/25/2021
494	Written Answers to Clifford Chance	7/2/2021
495	Project Fischer DRAFT of responses - Abridged.pdf (Attachment to Written Answers to Clifford Chance) (GX 494)	7/2/2021
496	FTX's Key Principles on Investor Protection	2/6/2022
497	FTX's Key Principles for Investor Protection.pdf (Attachment to FTX's Key Principles on Investor Protection) (GX 496)	2/6/2022

FTX Digital Markets Limited: Safeguarding of Assets & Digital Token Management Policy (Attachment to Re: Sculptor open items list) (GX 507)  Re: Sculptor open items list  Re: Sculptor open items list  6	/23/2022 7/1/2022 6/23/2022 6/27/2022 7/10/2021
513 Management Policy (Attachment to Re: Sculptor open items list) (GX 507)  514 Re: Sculptor open items list 6  515 Re: Sculptor open items list 6	6/23/2022
515 Re: Sculptor open items list 6	6/27/2022
	1
516 Re: FTX Series C 7	7/10/2021
Re: Meet with partnership 7am PST/ 10pm HK this Monday?	7/13/2021
521 RE: Updates from FTX and allocation for Series B-1 9	9/28/2021
523 RE: Dan/Bob $\Leftrightarrow$ Sam/Darren // FTX.msg 3	3/16/2021
524 RE: Dan/Bob $\Leftrightarrow$ Sam/Darren // FTX.msg 3	3/21/2021
525 pls take a lookFTX 4	4/20/2021
526 FTX-Deck.pptx (Attachment to pls take a lookFTX) (GX 525)	4/8/2021
S27 Re: FTX/Sam BF	.0/11/2022
528 RE: Miscellaneous October Updates from FTX 10	.0/17/2022
529 SBF Deleted Tweets 1	11/9/2022
S31 Re: FTX Memo 4	4/25/2021
532 FTX Slide Deck (Attachment to Re: FTX Memo) (GX 531) 4	4/25/2021
Re: Hi Sam> Third Point   FTX 4	4/10/2021
535 Folder shared with you: "Raise 2022 November" 1	1/10/2022

# Case 1:23-md-03076-KMM Document 348-33 EleiteredoborFESSDDDookke01100820023 Plage 01 of 7320

545	Signet Transferred	9/29/2021
1196	FTT Reduction – July 27, 2022	7/27/2022

# ATTACHMENT A-3 (Messages)

GX#	Message Participants	Date
59	Michael Sadowsky and Ryan Salame	
189	Richard Chang, Caroline Ellison, Rahul Sharma, Sam Bankman-Fried, and others	10/10/2022
204	Caroline Ellison, Caroline Papadopoulos, Dan Friedberg, Jayesh Peswani, Jen, Josephine, Karis Wun, Lynn, Ramnik Arora, Richard Chang, Ruari Donnelly, Ryan Salame, Sam Bankman-Fried, Sam Trabucco	2/23/2022
252	Can Sun; Jen; Sam Bankman-Fried; Caroline Papadopoulos; Ryan Salame; Caroline Ellison	10/10/2022
257	Jen; Sam Bankman-Fried; Delaney Ornelas; Ryan Salame	4/24/2021
273	Richard Chang; Caroline Ellison; Slackbot; Mark Wetjen; Ryne Miller; Jay; Jen; Ramnik Arora; Sam Bankman-Fried; Amy Wu; Claire Zhang; Adam J.; Josephine; Brian; Kelly Yamashita; Jack; Zach Dexter; Tim Wilson; Ryan Salame; Sam Trabucco	5/19/2022
298	Richard Chang; Caroline Ellison; Mark Wetjen; Ryne Miller; Jay; Jen; Ramnik Arora; Sam Bankman-Fried; Amy Wu; Claire Zhang; Tanay Nandgaonkar; Adam J.; Josephine; Brian; Constance Wang; Jack; Zach Dexter; Tim Wilson; Ryan Salame; Sam Trabucco	3/17/2022
299	Leopold Aschenbrenner, Sam Bankman-Fried, and Caroline Ellison	5/5/2022
308	Fab; Jen; Sam Bankman-Fried; Delaney Ornelas; Lynn; Ryan Salame	10/8/2021
310	Caroline Ellison; Slackbot; Mark Wetjen; Ryne Miller; Jay; Jen; Ramnik Arora; Sam Bankman-Fried; Amy Wu; Claire Zhang; Aravind; Adam J.; Josephine; Brian; Jack; Zach Dexter; Tim Wilson; Ryan Salame; Sam Trabucco	6/24/2022
311	Mark Wetjen; Ryne Miller; Jay; Jen; Ramnik Arora; Sam Bankman-Fried; Amy Wu; Claire Zhang; Aravind; Adam J.; Josephine; Brian; Jack; Zach Dexter; Tim Wilson; Ryan Salame; Caroline Ellison; Sam  Trabucco; Slackbot	

312	Mark Wetjen; Ryne Miller; Jay; Jen; Ramnik Arora; Sam Bankman- Fried; Amy Wu; Adam J.; Josephine; Brian; Jack; Zach Dexter; Tim Wilson; Ryan Salame; Caroline Ellison; Sam Trabucco	6/25/2022
313	Caroline Ellison; Mark Wetjen; Ryne Miller; Jay; Jen; Ramnik Arora; Sam Bankman-Fried; Amy Wu; Josephine; Brian; Jack; Zach Dexter; Tim Wilson; Ryan Salame; Sam Trabucco	6/27/2022
314	Caroline Ellison; Mark Wetjen; Ryne Miller; Jay; Can Sun; Jen; Ramnik Arora; Sam Bankman-Fried; Amy Wu; Josephine; Brian; Jack; Zach Dexter; Tim Wilson; Ryan Salame; Sam Trabucco	9/26/2022
328	Zane Tackett; Sam Bankman-Fried; Gary Wang; Nishad Singh	11/24/2021
405	Sam Bankman-Fried and Ramnik Arora	11/6/2022
406	Caroline Ellison; Sam Bankman-Fried; Joe Bankman; Ramnik Arora; Zach Dexter; Ryne Miller; Can Sun; Constance Wang; Ryan Salame; Nishad Singh; Victor Xu; Gary Wang, and others	11/7/2022
407	Caroline Ellison; Sam Bankman-Fried; Joe Bankman; Ramnik Arora; Zach Dexter; Ryne Miller; Can Sun; Constance Wang; Ryan Salame; Nishad Singh; Victor Xu; Gary Wang, and others	11/7/2022
408	Caroline Ellison; Sam Bankman-Fried; Joe Bankman; Ramnik Arora; Zach Dexter; Ryne Miller; Can Sun; Constance Wang; Ryan Salame; Nishad Singh; Victor Xu; Gary Wang, and others	11/7/2022
409	Caroline Ellison; Sam Bankman-Fried; Joe Bankman; Ramnik Arora; Zach Dexter; Ryne Miller; Can Sun; Constance Wang; Ryan Salame; Nishad Singh; Victor Xu; Gary Wang, and others	11/7/2022
410	Caroline Ellison; Sam Bankman-Fried; Joe Bankman; Ramnik Arora; Zach Dexter; Ryne Miller; Can Sun; Constance Wang; Ryan Salame; Nishad Singh; Victor Xu; Gary Wang, and others	11/8/2022
412	Caroline Ellison; Sam Bankman-Fried; Joe Bankman; Ramnik Arora; Zach Dexter; Ryne Miller; Can Sun; Constance Wang; Ryan Salame; Nishad Singh; Victor Xu; Gary Wang, and others	11/8/2022
413A	Ben Xie, Sam Bankman-Fried, Caroline Ellison, Sam Trabucco	11/6/2022
413B	Ben Xie, Sam Bankman-Fried, Caroline Ellison, Sam Trabucco	11/6/2022
413C	Ben Xie, Sam Bankman-Fried, Caroline Ellison, Sam Trabucco	11/6/2022
413D	Ben Xie, Sam Bankman-Fried, Caroline Ellison, Sam Trabucco	11/6/2022
414	Caroline Ellison; Sam Bankman-Fried; Joe Bankman; Ramnik Arora; Zach Dexter; Ryne Miller; Can Sun; Constance Wang; Ryan Salame; Nishad Singh; Victor Xu; Gary Wang; Tim Wilson; Rahul Sharma, and others	11/9/2022

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415	Caroline Ellison and Ben Xie	11/16/2021
452	Ketan Ramakrishnan, Sam Bankman-Fried	2/8/2022
456	Lynn, Carlos Ng, John Glover, Lena Ngoy, Adam Reeds, Richard Chang, Caroline Ellison, Drew Turchin, Mauricio di Bartolomeo, T'Shae Cooper, Papi, Anton, C, others	7/7/2021
457	Lynn, Carlos Ng, John Glover, Lena Ngoy, Adam Reeds, Richard Chang, Caroline Ellison, Drew Turchin, Mauricio di Bartolomeo, T'Shae Cooper, Papi, Anton, C, others	12/16/2022
474	Lily Zhang, Sam Bankman-Fried	1/20/2022
475	Nishad Singh, Caroline Ellison, Sam Bankman-Fried, Ryan Salame, others	10/17/2022
477	Michael Sadowsky and Nishad Singh	7/5/2022
479	Caroline Ellison and Nishad Singh	11/8/2022
480A	Sam Bankman-Fried and Nishad Singh	11/6/2022
480B	Sam Bankman-Fried and Nishad Singh	11/6/2022
480C	Sam Bankman-Fried and Nishad Singh	11/8/2022
480D	Caroline Ellison and Nishad Singh	11/6/2022
503	Richard Chang, Can Sun, Sam Bankman-Fried, Caroline Ellison	11/8/2022
504	Sam Bankman-Fried, Ryan Salame, Mark Wetjen	3/2/2022
505	Ryan Salame, Scott Salame	11/2/2021
506	Sam Bankman-Fried, Ryan Salame, Mark Wetjen	3/2/2022
542	Sam Bankman-Fried, Nishad Singh, others	11/14/2021

543	Caroline Ellison, Tim Wilson, Sam Bankman-Fried, Zach Dexter,	
343	others	*
1600	Nishad Singh, Sam Bankman-Fried, Ryan Salame, Adam Yedidia, Andrea Lincoln, Keith Lennox, Vince, Clement, Alfred, others	11/6/2022
1601	Nishad Singh, Sam Bankman-Fried, Ryan Salame, Adam Yedidia, Andrea Lincoln, Keith Lennox, Vince, Clement, Alfred, others	11/6/2022
1602	Nishad Singh, Sam Bankman-Fried, Ryan Salame, Adam Yedidia, Andrea Lincoln, Keith Lennox, Vince, Clement, Alfred, others	11/9/2022
1603	Nishad Singh, Sam Bankman-Fried, Ryan Salame, Adam Yedidia, Andrea Lincoln, Keith Lennox, Vince, Clement, Alfred, others	11/7/2022
1611	Caroline Ellison and Sam Trabucco	1/14/2021
1612	Caroline Ellison and Richard Chang	8/27/2021
1613	Caroline Ellison and Ben Xie	11/16/2021
1615	Caroline Ellison and Sam Bankman-Fried	11/10/2022
1616	Caroline Ellison and Sam Bankman-Fried	11/10/2022
1617	Caroline Ellison, Sam Bankman-Fried, Gary Wang, Nishad Singh	5/11/2021
1618	Caroline Ellison, Sam Bankman-Fried, Ramnik Arora, Joe Bankman, Constance Wang, Zach Dexter, Ryan Mendel, Ryne Miller, Nate Parke, Kumanan Ramanathan, Ryan Salame, Rahul Sharma, Nishad Singh, Victor Xu, Gary Wang, Tim Wilson	11/6/2022

1619	Caroline Ellison, Sam Bankman-Fried, Nick Beckstead	1/5/2022
1621	Caroline Ellison, Nishad Singh, Sam Bankman-Fried	11/6/2022
1622	Caroline Ellison, Victor Xu	6/22/2021
1625	Caroline Ellison, Andrea Lincoln, Sam Bankman-Fried, Nishad Singh, Adam Yedidia, Gary Wang, Claire Watanabe, Ross Rheingans-Yoo, others	11/11/2021
1628	Caroline Ellison, Sam Bankman-Fried, Sam Trabucco	11/21/2021
1629	Caroline Ellison, Sam Bankman-Fried, Sam Trabucco	11/24/2021
1630	Caroline Ellison, Sam Bankman-Fried, Sam Trabucco	1/24/2022
1631	Caroline Ellison, Sam Bankman-Fried, Sam Trabucco	1/28/2022
1647	Caroline Ellison, and dozens of other participants	6/13/2022
1648	Caroline Ellison, Matt Ballensweig, Ryan Salame, Richard Chang, Hamill Serrant, Michael Paleokrassas	6/14/2022

1649	Matt Ballensweig and Caroline Ellison	6/18/2022
1650	Matt Ballensweig and Caroline Ellison	6/20/2022
1651	Caroline Ellison, Matt Ballensweig, Ryan Salame, Richard Chang, Hamill Serrant, Michael Paleokrassas	6/13/2022
1652	Caroline Ellison, and dozens of other participants	6/18/2022
1656	Ben Xie, Sam Bankman-Fried, Caroline Ellison, Sam Trabucco	1/24/2022
1658	Nishad Singh, Ramnik Arora, Caroline Ellison, Gary Wang, Sam Bankman-Fried	5/9/2022
1659	Caroline Ellison and Sam Bankman-Fried	. 3/5/2021

# <u>ATTACHMENT B</u> (Documents and Emails)

DX	File Name	Created Date/Time
4	Rant	09/13/2022 11:01 PM
7	Alameda 2022 S1 Overview	07/07/2022 11:59 PM
8	Caroline Ellison Review 2022S1 Response	08/12/2022
10	EV of Alameda	07/22/2021 09:33 AM
48	Hedging Our Deltas	09/02/2022 05:39 PM
49	[External] Balance Sheet 10/1/22	10/17/2022 05:11 PM
50	Venture Deals 2fe7e91dbbec4427ab80e3297b485113 7-18-2022 (SY edit) (1).xlsx	07/25/2022 12:05 PM
63	Hedging Thoughts 9/6	09/06/2022 11:09 PM
64	NAV Stuff to Check	08/03/2022 09:03 PM
65	Alameda Top Product/Tech Asks From FTX	08/16/2022 08:58 PM
76	Important Things	07/19/2020 07:02 PM
79	Caroline Self Review 2021 S2	01/04/2022 05:39 PM
82	Life Plans 8/6/22	08/05/2022 08:47 PM
146	Trabucco Thoughts 2/15	02/14/2022 09:49 PM
147	State of Alameda March 2022	03/14/2022 08:57 PM
148	NAV Desires	04/06/2022 04:05 PM
149	Demandingness and Time/Money Tradeoffs are Orthogonal	04/30/2022 10:13 PM
150	Alameda Balances by FTX Sub	06/13/2022
151	State of Alameda 8/6/22	08/05/2022 10:43 PM
152	Goals for Alameda 2022 S2	08/07/2022 11:39 PM
153	Modulo/Alameda from SBF to CE/BX/LZ	08/17/2022 08:55 PM
159	Modulo	07/11/2022 04:22 PM
176	TO DO	01/06/2019 07:24 PM
185	May Crash Takeaways	05/24/2022 05:46 PM
186	Alameda Balances by FTX Sub	06/13/2022
187	Alameda Balances by FTX Sub	6/14/2022
221	My Worries About Spending Money	
222	Sam Stories	
223	What is my Motivationcomments	9/26/2021
224	How Do I Feel About Working Closely With Sam	
237	Untitled document(6)	
238	2020 YE Financials	01/27/2021 03:16 AM
247	What is my Motivation?	09/21/2021 04:44 AM
248	Journaling 10/1	10/01/2021 03:32 AM
249	Untitled document(18)	
250	Hamming Problem	
301	Feelings, etc.	
302	Feedback Loop	

DX	File Name	Created Date/Time
303	Thoughts 7 10	
304	Thoughts 2 6 22	
305	Breakup Thoughts 4 15	
420	Balance Sheet 10/1/22	10/07/2022 05:41 PM
697	Modulo	07/11/2022 04:22 PM
761	Modulo Feelings	
762	Caroline Ellison Review 2022S1 Response	08/12/2022
763	Balance Sheet Questions_To Dos	
764	Initial Thoughts on Ben as Co-CEO	
765	What is my Motivation_	
766	Notes 7_7	
767	Thoughts on Trabby	
768	Trabucco Review Notes	
769	Communicating Priorities	
770	Thoughts on Trabby(1)	
771	My Life	
772	Things that Make Me Sad	
791	Untitled document(25)	

# Exhibit L

PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY, AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH ANY FACTS ARISING FROM SUCH DISCOVERY UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

RYAN SALAME,

Defendant.

SUPERSEDING INFORMATION

S7 22 Cr. 673 (LAK)

#### Overview

1. From at least in or about 2020, up to and including in or about November 2022, RYAN SALAME, the defendant, engaged in multiple conspiracies to advance the interests of Samuel Bankman-Fried, a/k/a "SBF," and the cryptocurrency companies Bankman-Fried founded and controlled—including FTX.com ("FTX") and Alameda Research ("Alameda")—through the operation of an unlawful money transmitting business and violations of the federal election law. Specifically, from at least in or about 2020, up to and including in or about November 2022, SALAME conspired to operate Alameda and its affiliates on behalf of FTX as a means for transmitting funds on behalf of FTX customers, even though SALAME and his co-conspirators never obtained the required federal money transmitting licenses for Alameda and the relevant affiliates. From at least in or about 2020, up to and including in or about November 2022, SALAME conspired to influence cryptocurrency regulation in Washington, D.C. by steering tens of millions of dollars of illegal campaign contributions to both Democrats and Republicans.

## Background on Alameda Research, FTX, and RYAN SALAME

2. In or about November 2017, Samuel Bankman-Fried, a/k/a "SBF," founded Alameda, a quantitative cryptocurrency trading firm incorporated in Delaware, which had operations in the United States, Hong Kong, and The Bahamas. In or around May 2019, Bankman-

Fried founded FTX Trading Ltd., a global cryptocurrency exchange that, through several subsidiary entities, did business as FTX. Among other products, FTX offered customers a "spot market" for trading cryptocurrency in exchange for other cryptocurrencies or traditional currency, also known as fiat (referred to below generally as "dollars"), such as U.S. dollars.

- 3. From its launch, FTX grew rapidly. By in or about 2020, FTX was one of the largest digital asset exchanges in the world based on trading volume, and by in or about early 2022, FTX claimed to handle approximately \$15 billion in daily trading volume on its platforms.
- 4. RYAN SALAME, the defendant, joined Alameda in or about 2019. In or about 2021, he was named the head of Alameda's settlements team and had primary responsibility over other staff to process customer fiat deposits and withdrawals. SALAME was later named co-CEO of FTX's Bahamian affiliate FTX Digital Markets Ltd. in or about October 2021.

## SALAME and Others Conspired to Operate an Unlicensed Money Transmitting Business

- 5. From FTX's founding in or about 2019, Samuel Bankman-Fried, a/k/a "SBF," sought to use the United States financial system, and in particular, bank accounts in the United States, to promote FTX's business. After FTX launched in or around May 2019, and in order to attract customers and their assets, including U.S. dollars, FTX needed bank accounts that would allow FTX customers to deposit dollars with FTX that could be used to purchase cryptocurrency assets and pay for transactions. When FTX was founded, however, many U.S. banks were reluctant to do business with cryptocurrency companies, and those banks that were willing to open accounts for cryptocurrency companies had extensive customer due diligence and licensing requirements, with which FTX was not compliant.
- Because FTX did not have its own bank accounts for holding customer deposits,
   for a period of time in or around 2019 and 2020, FTX instructed customers to wire dollar deposits

to bank accounts that were owned or controlled by Alameda. These Alameda accounts had been opened as trading accounts and had been used almost exclusively for Alameda's trading purposes until they were also employed as accounts for FTX to receive and transmit its customer deposits and withdrawals. Alameda never informed the banks where these accounts were held that these accounts in Alameda's name began to be used in substantial part by FTX to accept customer deposits for, and as a vehicle for customer withdrawals from, FTX's cryptocurrency exchange.

- 7. In or about October 2019, RYAN SALAME, the defendant, and others attempted to open an account for FTX at a bank in California ("Bank-1") where Alameda already had bank accounts. Bank-1 made clear, however, that it would not open an account for customer deposits and withdrawals absent evidence that FTX was licensed and registered, including federal registration as a money services business, and that, in any event, Bank-1 would need to conduct an enhanced due diligence process before opening any account used to process customer deposits and withdrawals.
- 8. In or about January 2020, Samuel Bankman-Fried, a/k/a "SBF," contacted Bank-1 about opening an FTX account. Bankman-Fried learned from Bank-1 that Bankman-Fried should not attempt to open an account for FTX, an international platform, at that time. He was further told that if he wished to open an account to process customer deposits and withdrawals for FTX.US, FTX's business in the United States, FTX.US would need to register as a money services business. While Bankman-Fried did later register FTX.US as a money services business in 2020, no attempts were made to make FTX a licensed money services business. Bankman-Fried and RYAN SALAME, the defendant, never sought to have FTX or Alameda comply with the regulatory requirements of licensure. Instead, FTX continued to use Alameda trading accounts to accept customer deposits and process customer withdrawals.

- 9. In part to obscure the relationship between FTX and Alameda, and in order to overcome Bank-1's refusal to open a bank account for FTX without extensive due diligence and licensing, in or about August 2020, Samuel Bankman-Fried, a/k/a "SBF," directed the incorporation of a new U.S.-based entity, North Dimension. RYAN SALAME, the defendant, Bankman-Fried, and others chose the name "North Dimension" in part to conceal that there was a relationship between North Dimension and Alameda from banks approving transactions with the North Dimension bank account.
- Aware of the fact that Bank-1 would not open an exchange account or account for receiving customer deposits for an entity without the appropriate registration and enhanced due diligence, RYAN SALAME, the defendant, Samuel Bankman-Fried, a/k/a "SBF," and other Alameda employees told Bank-1 a false story, namely, that North Dimension sought to open an account to function as a trading account connected to Alameda's existing trading accounts, instead of the truth, which was that the North Dimension account would function as an account to receive and transmit FTX customer deposits. At the direction of SALAME and Bankman-Fried, among others, employees of Alameda completed an account application that falsely stated that the purpose of the North Dimension bank account was for "trading" and "market making." Bank-1 was also given a completed North Dimension due diligence questionnaire-which Bankman-Fried signed—that falsely stated that North Dimension "trades on multiple cryptocurrency exchanges worldwide for its own account" and that North Dimension "also participates in direct peer-to-peer, OTC purchases and sales with certain third parties for its own account." Furthermore, despite the fact that North Dimension was created for the purpose of transmitting customer deposits on and off the FTX exchange, the due diligence questionnaire falsely claimed that North Dimension was not a money services business. SALAME was aware that false information was provided to Bank-

1 as part of this questionnaire.

- 11. In or about April 2021, Bank-1 approved the opening of the North Dimension account, without enhanced due diligence or review by Bank-1's executive committee, as would have been required had the true purposes of North Dimension's account been disclosed to Bank-1.
- deposits to the North Dimension account. Thereafter, when FTX customers deposited or withdrew fiat currency, Alameda personnel, who maintained control over the North Dimension account and acted under the direction and supervision of RYAN SALAME, the defendant, Samuel Bankman-Fried, a/k/a "SBF," and their co-conspirators, manually credited or subtracted the customer's FTX account with the corresponding amount of fiat currency on an internal ledger system. Customers could then convert their deposits to a range of cryptocurrencies and traditional currencies, engage in various types of trading, and make withdrawals denominated in various types of cryptocurrencies and traditional currencies. FTX charged fees and generated revenues from many of these activities, using the fraudulently obtained access to a U.S. bank account. Customers could also convert various cryptocurrencies and traditional currencies to dollars on their FTX account, and withdraw the dollars from FTX. FTX sent customer withdrawals by wire transfer from the North Dimension bank account, and by at least summer 2021 charged a fee for dollar withdrawals.

# SALAME and Others Made Unlawful Political Contributions to Acquire Political Influence

13. Beginning in or around 2020, Samuel Bankman-Fried, a/k/a "SBF," began donating large sums of funds to political candidates, at least in part to improve his personal standing in Washington, D.C., increase FTX's profile, and curry favor with candidates that could help pass legislation favorable to FTX or Bankman-Fried's personal agenda, including legislation concerning regulatory oversight over FTX and its industry. To accomplish these goals, Bankman-

Fried caused substantial contributions to be made in support of candidates of both major political parties and across the political spectrum. Bankman-Fried, however, did not want to be known as a left-leaning partisan, or to have his name publicly attached to Republican candidates. In order to obscure his association with certain contributions, Bankman-Fried conspired with others, including RYAN SALAME, the defendant, to make those contributions in the names of SALAME and Nishad Singh, another FTX executive. As SALAME explained in a private message to a confidant, the purpose of these bipartisan donations would be "to weed out anti crypto dems for pro crypto dems and anti crypto repubs for pro crypto repubs," and that donations would likely be routed through SALAME "to weed out that republican side."

- 14. Between in or about the fall of 2021 and the November 2022 election, RYAN SALAME, the defendant, Samuel Bankman-Fried, a/k/a "SBF," and Nishad Singh collectively made millions of dollars in contributions, including in "hard money" contributions to federal candidates from both major political parties. The money used to make these political donations originated from Alameda bank accounts, and included funds that had been deposited by FTX customers. Notwithstanding his awareness of the campaign finance laws, in order to conceal the true source of the funds, SALAME agreed with others that funds for contributions would be transferred from Alameda's bank accounts, which also contained FTX customer funds, to bank accounts in the name of the political donors, and then quickly transferred from those individuals' bank accounts to political campaigns.
- 15. To further conceal the scheme, RYAN SALAME, the defendant, and his coconspirators recorded the outgoing wire transfers from Alameda to individuals' bank accounts for purposes of making contributions as Alameda "loans" or "expenses." But unlike other loans that were made to FTX executives, including to Samuel Bankman-Fried, a/k/a "SBF," Nishad Singh,

and SALAME, most of these outgoing wire payments were not documented in agreements or on term sheets, and there were no set interest rates, no interest payments, no collateral, and no evidence of repayment.

16. In total, RYAN SALAME, the defendant, and his co-conspirators made over 300 political contributions, totaling tens of millions of dollars, that were unlawful because they were made in the name of a straw donor or paid for with corporate funds. In dozens of instances, use of straw donors allowed Samuel Bankman-Fried, a/k/a "SBF," to evade contribution limits on individual donations to candidates to whom Bankman-Fried had already donated. As a result of this fraudulent conduct, SALAME and his co-conspirators caused false information to be reported by campaigns and PACs to the Federal Election Commission ("FEC"), which had the result of impairing and impeding the FEC's reporting and enforcement functions.

## STATUTORY ALLEGATIONS

#### COUNT ONE

(Conspiracy to Make Unlawful Political Contributions and Defraud the FEC)

The United States Attorney charges:

- 17. The allegations contained in paragraphs 1 through 16 of this Information are repeated and realleged as if fully set forth herein.
- 18. From at least in or about 2020, up to and including in or about November 2022, in the Southern District of New York, and elsewhere, RYAN SALAME, the defendant, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to defraud the United States, in violation of Title 18, United States Code, Section 371, and willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States by engaging in violations of federal law involving the making, receiving, and reporting of a contribution, donation, or expenditure, in

violation of Title 52, United States Code, Sections 30109(d)(1)(A) & (D).

- 19. It was part and an object of the conspiracy that RYAN SALAME, the defendant, and others known and unknown, would and did knowingly and willfully make contributions to candidates for federal office, joint fundraising committees, and independent expenditure committees in the names of other persons, aggregating to \$25,000 and more in a calendar year, in violation of Title 52, United States Code, Sections 30122 and 30109(d)(1)(A) & (D).
- 20. It was a further part and object of the conspiracy that RYAN SALAME, the defendant, and others known and unknown, would and did knowingly and willfully make contributions to candidates for federal office and joint fundraising committees by a corporation, aggregating to \$25,000 and more in a calendar year, in violation of Title 52, United States Code, Sections 30118 and 30109(d)(1)(A).
- 21. It was a further part and object of the conspiracy that RYAN SALAME, the defendant, and others known and unknown, would and did defraud the United States, and an agency thereof, by impairing, obstructing, and defeating the lawful functions of a department and agency of the United States through deceitful and dishonest means, to wit, the Federal Election Commission's function to administer federal law concerning source and amount restrictions in federal elections, including the prohibitions applicable to corporate contributions and conduit contributions, in violation of Title 18, United States Code, Section 371.

### Overt Act

22. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere: in or about 2022, RYAN SALAME, the defendant, and one or more other conspirators agreed to and did make corporate contributions to candidates and committees in the Southern

District of New York that were reported in the name of another person.

(Title 18, United States Code, Section 371.)

# (Conspiracy to Operate an Unlicensed Money Transmitting Business)

The United States Attorney further charges:

- 23. The allegations contained in paragraphs 1 through 16 of this Information are repeated and realleged as if fully set forth herein.
- 24. From at least in or about October 2019, up to and including in or about November 2022, in the Southern District of New York and elsewhere, RYAN SALAME, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, operation of an unlicensed money transmitting business, in violation of Title 18, United States Code, Section 1960.
- 25. It was a part and an object of the conspiracy that RYAN SALAME, the defendant, and others known and unknown, would and did knowingly conduct, control, manage, supervise, direct, and own all and part of an unlicensed money transmitting business affecting interstate and foreign commerce, which failed to comply with the money transmitting business registration requirements under Section 5330 of Title 31, United States Code, and regulations prescribed under such section, in violation of Title 18, United States Code, Section 1960.

#### Overt Act

26. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere: Alameda and FTX employees, under the supervision of RYAN SALAME, the

defendant, caused FTX customers to send wire transfers and sent wire transfers to FTX customers, some of which were received in and were transmitted through the Southern District of New York.

FORFEITURE ALLEGATION

(Title 18, United States Code, Section 371.)

As a result of committing the offense alleged in Count Two of this Information,

RYAN SALAME, the defendant, shall forfeit to the United States, pursuant to Title 18, United

States Code, Section 982(a)(1), any and all property, real and personal, involved in said offense,

or any property traceable to such property, including but not limited to a sum of money in United

States currency representing the amount of property involved in said offense.

If any of the above-described forfeitable property, as a result of any act or omission 28.

of the defendant: (a) cannot be located upon the exercise of due diligence; (b) has been transferred

or sold to, or deposited with, a third person; (c) has been placed beyond the jurisdiction of the

Court; (d) has been substantially diminished in value; or (e) has been commingled with other

property which cannot be subdivided without difficulty; it is the intent of the United States,

pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section

2461(c), to seek forfeiture of any other property of the defendant up to the value of the above

forfeitable property.

27.

(Title 18, United States Code, Section 982;

Title 21, United States Code, Section 853; and

Title 28, United States Code, Section 2461.)

United States Attorney